

MONDAY, APRIL 3, 2023

TWENTIETH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Sexton.

The proceedings were opened with prayer by Brother John DeBerry.

Representative McKenzie led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present..... 96

Representatives present were Alexander, Barrett, Baum, Beck, Boyd, Bricken, Bulso, Burkhart, Butler, Campbell S, Camper, Capley, Carr, Cepicky, Chism, Clemmons, Cochran, Crawford, Darby, Davis, Dixie, Doggett, Eldridge, Faison, Farmer, Fritts, Gant, Garrett, Gillespie, Glynn, Grills, Hakeem, Hale, Hardaway, Harris, Hawk, Hazlewood, Helton-Haynes, Hemmer, Hicks G, Hicks T, Holsclaw, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Jones, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Martin B, Martin G, McCalmon, McKenzie, Miller, Mitchell, Moody, Moon, Parkinson, Pearson, Powell, Powers, Ragan, Raper, Reedy, Richey, Rudd, Rudder, Russell, Shaw, Sherrell, Slater, Sparks, Stevens, Terry, Thompson, Todd, Towns, Travis, Vaughan, Vital, Warner, White, Whitson, Williams, Wright, Zachary, Mr. Speaker Sexton -- 96

EXCUSED

The Speaker announced that the following members have been excused, pursuant to requests under **Rule No. 20**:

Representative Freeman; personal

Representative Carringer; illness

Representative Haston; personal

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 55 Reps. Clemmons and Thompson as prime sponsors.

House Resolution No. 56 Rep. Thompson as prime sponsor.

House Resolution No. 57 Rep. Thompson as prime sponsor.

House Resolution No. 58 Rep. Thompson as prime sponsor.

House Resolution No. 59 Rep. Thompson as prime sponsor.

House Resolution No. 60 Rep. Thompson as prime sponsor.

House Resolution No. 61 Rep. Thompson as prime sponsor.

House Joint Resolution No. 494 Rep. Todd as prime sponsor.

House Joint Resolution No. 503 Reps. Hakeem, Jernigan, Hemmer, Richey, Beck, Williams, Hawk, Helton-Haynes, McCalmon, Hurt, Lynn and Todd as prime sponsors.

House Joint Resolution No. 505 Rep. Richey as prime sponsor.

House Bill No. 126 Rep. Hardaway as prime sponsor.

House Bill No. 164 Reps. Eldridge, Hawk, Burkhart, Travis, Russell, Bricken, Reedy, Lynn, Cepicky, Littleton, Alexander, Moody, Sparks, T. Hicks and Howell as prime sponsors.

House Bill No. 322 Rep. Leatherwood as prime sponsor.

House Bill No. 323 Reps. White, Leatherwood, G. Hicks, Bricken, Sherrell, Kumar, Reedy, Cepicky, Vital, Raper, Todd, B. Martin, Williams, Davis, Marsh, Moody, T. Hicks, Alexander, Eldridge, Terry, Lafferty, Howell, Hawk, Lynn, Powers, Doggett, Ragan, Littleton, McCalmon, Hale, Garrett and Boyd as prime sponsors.

House Bill No. 324 Reps. Harris, Sherrell, Kumar, Powell, Hardaway, Hawk, Alexander, Beck, Thompson, Jernigan and Miller as prime sponsors.

House Bill No. 431 Rep. Leatherwood as prime sponsor.

House Bill No. 447 Reps. White, Lynn, Hawk, Hakeem, Kumar, Towns, Shaw, Powell, Thompson and Chism as prime sponsors.

House Bill No. 493 Reps. Shaw, Russell, Holsclaw, Cepicky and White as prime sponsors.

House Bill No. 498 Reps. Cepicky, Hemmer, Jernigan and Helton-Haynes as prime sponsors.

House Bill No. 584 Reps. Leatherwood, Thompson and Cepicky as prime sponsors.

House Bill No. 606 Reps. Butler, Wright, Powell, Towns, Eldridge, Littleton, Raper, Cepicky, Ragan, Davis, Howell and Thompson as prime sponsors.

House Bill No. 650 Reps. Hardaway, Towns, Littleton and Cepicky as prime sponsors.

House Bill No. 771 Rep. Leatherwood as prime sponsor.

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House Bill No. 882 Reps. Ragan, Littleton, McCalmon, Moody, Capley, Alexander and Cochran as prime sponsors.

House Bill No. 896 Reps. Cepicky, Moody, White and Fritts as prime sponsors.

House Bill No. 954 Rep. Hawk as prime sponsor.

House Bill No. 1134 Reps. Davis and Howell as prime sponsors.

House Bill No. 1321 Reps. Towns, Cepicky, Littleton, Davis, Ragan, Howell, White, Camper, Todd and Thompson as prime sponsors.

MESSAGE FROM THE SENATE

March 31, 2023

MR. SPEAKER: I am directed to return to the House, House Bills Nos. 87, 145, 152, 288, 356, 411, 763, 1186, 1198, 1213, 1216, 1309, 1453 and 1550; substituted for Senate Bills on same subject and passed by the Senate.

RUSSELL A. HUMPHREY, Chief Clerk

ENROLLED BILLS

March 31, 2023

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 87, 145, 152, 288, 356, 411, 763, 1186, 1198, 1213, 1216, 1309, 1453 and 1550; and find same correctly enrolled and ready for the signatures of the Speakers.

GREG GLASS, Chief Engrossing Clerk

ENROLLED BILLS

March 31, 2023

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolutions Nos. 23, 58, 291, 425, 426, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 459, 460, 461, 462, 463, 464 and 465; and find same correctly enrolled and ready for the signatures of the Speakers.

GREG GLASS, Chief Engrossing Clerk

SIGNED

March 31, 2023

The Speaker announced that he had signed the following: House Joint Resolutions Nos. 23, 58, 291, 425, 426, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 459, 460, 461, 462, 463, 464 and 465.

GREG GLASS, Chief Engrossing Clerk

MESSAGE FROM THE SENATE
April 3, 2023

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No. 355; adopted, for the House's action.

RUSSELL A. HUMPHREY, Chief Clerk

***Senate Joint Resolution No. 355** -- Memorials, Sports - Hampton High School boys' basketball team, TSSAA Division I, Class 1A state champions. by *Crowe.

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolutions were introduced and placed on the Consent Calendar for April 6, 2023:

***House Joint Resolution No. 507** -- Memorials, Sports - Clarksville Christian School, Lady Centurions, 2023 Division III NACA National Championship. by *Burkhart, *Johnson C, *Glynn.

***House Joint Resolution No. 508** -- Memorials, Recognition - Heather Marie Williams Bay, Airport Manager of the Year. by *Boyd.

***House Joint Resolution No. 509** -- Memorials, Death - Bobby "Allen" Roberts. by *Butler.

***House Joint Resolution No. 510** -- Memorials, Interns - Koltier Ryan. by *Rudd.

***House Joint Resolution No. 511** -- Memorials, Retirement - Wayne Causey. by *Todd.

SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)

Pursuant to **Rule No. 17**, the resolutions listed were noted as being placed on the Consent Calendar for April 6, 2023:

***Senate Joint Resolution No. 342** -- Memorials, Death - Sergeant. Harold Lee Russell II, Tennessee Highway Patrol. by *Stevens, *McNally, *Bailey, *Bowling, *Briggs, *Campbell, *Crowe, *Gardenhire, *Haile, *Hensley, *Jackson, *Johnson, *Kyle, *Lamar, *Lowe, *Lundberg, *Massey, *Niceley, *Oliver, *Pody, *Powers, *Reeves, *Roberts, *Rose, *Southerland, *Swann, *Taylor, *Walley, *Watson, *White, *Yager, *Yarbro.

***Senate Joint Resolution No. 343** -- Memorials, Death - Judge John Everett Williams. by *Stevens, *McNally, *Bailey, *Bowling, *Briggs, *Campbell, *Crowe, *Gardenhire, *Haile,

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*Hensley, *Jackson, *Johnson, *Kyle, *Lamar, *Lowe, *Lundberg, *Massey, *Niceley, *Oliver, *Pody, *Powers, *Reeves, *Roberts, *Rose, *Southerland, *Swann, *Taylor, *Walley, *Watson, *White, *Yager, *Yarbro.

***Senate Joint Resolution No. 344** -- Memorials, Death - Mayor Dale R. Kelley. by *Stevens, *McNally, *Yager, *Bailey, *Bowling, *Briggs, *Campbell, *Crowe, *Gardenhire, *Haile, *Hensley, *Jackson, *Johnson, *Kyle, *Lamar, *Lowe, *Lundberg, *Massey, *Niceley, *Oliver, *Pody, *Powers, *Reeves, *Roberts, *Rose, *Southerland, *Swann, *Taylor, *Walley, *Watson, *White, *Yarbro.

***Senate Joint Resolution No. 345** -- Memorials, Sports - Upperman High School baseball team, 2022 TSSAA State Champions. by *Bailey.

***Senate Joint Resolution No. 346** -- Memorials, Recognition - John H. White III, Tree Farmer of the Year. by *Walley.

***Senate Joint Resolution No. 347** -- Memorials, Heroism - Vietnam Veterans Day and 50th anniversary of withdrawal of U.S. troops from Vietnam. by *Johnson, *Hensley, *Lowe, *Yager.

***Senate Joint Resolution No. 349** -- Memorials, Recognition - Dr. C. William "Bill" McKee. by *Pody.

***Senate Joint Resolution No. 350** -- Memorials, Interns - Katelyn Davis. by *Stevens, *Reeves.

***Senate Joint Resolution No. 352** -- Memorials, Recognition - Heather Bay, Airport Manager of the Year. by *Pody.

***Senate Joint Resolution No. 353** -- Memorials, Retirement - Diane Jordan. by *Walley.

***Senate Joint Resolution No. 354** -- Memorials, Retirement - Russell Clayton. by *Walley.

***Senate Joint Resolution No. 356** -- Memorials, Recognition - Tennessee marching bands. by *Pody, *Lowe.

***Senate Joint Resolution No. 357** -- Memorials, Retirement - Catherine "Katy" Varney. by *Yarbro, *Kyle.

***Senate Joint Resolution No. 532** -- Memorials, Recognition - State Capitol Troopers and Sergeants at Arms. by *Lowe, *Bailey, *Bowling, *Briggs, *Campbell, *Crowe, *Gardenhire, *Haile, *Hensley, *Jackson, *Johnson, *Kyle, *Lamar, *Lundberg, *Massey, *Niceley, *Pody, *Powers, *Reeves, *Roberts, *Rose, *Southerland, *Stevens, *Swann, *Taylor, *Walley, *Watson, *White, *Yager, *Yarbro, *McNally.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

Senate Bill No. 221 -- Health, Dept. of - As introduced, removes a provision that required the department, no later than December 15, 2022, to conduct a review of remote use of the special supplemental food program for women, infants, and children and deliver a report to the chairs of the health and welfare committee of the senate and the health committee of the house of representatives. - Amends TCA Title 4; Title 33; Title 53; Title 56; Title 63; Title 68 and Title 71. by *Roberts, *Hensley. (*HB273 by *Terry)

***Senate Bill No. 281** -- Salaries and Benefits - As introduced, requires the commissioner of education to publish the annual state salary schedule on the department's website. - Amends TCA Title 49, Chapter 2, Part 1 and Title 49, Chapter 3, Part 3. by *Johnson, *Powers, *Lowe, *Stevens. (HB329 by *Lamberth, *Cochran, *Moody, *Cepicky, *Gant, *Moon, *Kumar, *Sherrell, *Slater)

***Senate Bill No. 316** -- Taxes, Sales - As introduced, restricts the types of costs of a project within a certified border region retail tourism development district or regional retail tourism development district that can be covered by an apportionment of state sales and use taxes to a municipality or industrial development corporation; makes other revisions to the Border Region Tourism Development District Act and the Regional Retail Tourism Development District Act. - Amends TCA Title 7, Chapter 40 and Title 7, Chapter 41. by *Watson, *Gardenhire. (HB776 by *Helton-Haynes)

***Senate Bill No. 358** -- Treasurer, State - As introduced, permits the state treasurer to sell a security immediately after the treasurer takes custody of the security if the records of the holder do not reflect the identity of the person entitled to the security; makes other related revisions. - Amends TCA Section 66-29-142. by *Massey. (HB572 by *Carringer)

***Senate Bill No. 384** -- Taxes - As introduced, requires the comptroller of the treasury to annually provide, in an electronic format, estimates of the cost of the tax relief program at the current income limit, and of the annual income limit for eligibility likely to maintain the property tax relief program at a constant level of expenditure, to the department of finance and administration and the members of the general assembly. - Amends TCA Title 67. by *Lundberg, *Yager, *Lowe, *Pody, *Stevens, *Taylor. (HB804 by *Marsh, *White, *Boyd, *Powers, *Gant, *Campbell S)

***Senate Bill No. 460** -- Insurance, Health, Accident - As introduced, lowers from five business days to four business days, the time from the receipt of a request for more information from a utilization review agent within which the agent must notify the enrollee and the provider or healthcare facility in writing, or through email or respective electronic portals, of the additional information needed to make the determination on a request for prior authorization. - Amends TCA Title 56 and Title 71. by *Watson, *Yager, *Akbari, *Campbell. (HB607 by *Hale, *Lynn, *Clemmons)

***Senate Bill No. 560** -- Hospitals and Health Care Facilities - As introduced, authorizes a hospital or an affiliated entity of the hospital to employ an emergency physician to treat patients at a satellite emergency department, or a physician to treat patients at a primary care clinic or urgent care clinic, which are located in this state if the hospital is located in a neighboring state in a county contiguous to this state and holds a valid certificate of need for a satellite emergency department in this state, and other conditions are satisfied. - Amends TCA Title 63 and Title 68, Chapter 11. by *Walley, *Bailey, *Jackson. (HB584 by *Gant, *Todd)

***Senate Bill No. 611** -- Juvenile Offenders - As introduced, allows a juvenile court to transfer a juvenile 16 years of age or older to a criminal court of competent jurisdiction to be tried as an adult for committing the offense of escape from a youth development center approved, certified, or licensed by the department of children's services. - Amends TCA Title 37, Chapter 1 and Title 37, Chapter 5. by *Walley, *Jackson, *Taylor. (HB1106 by *Littleton, *Alexander)

***Senate Bill No. 791** -- Local Government, General - As introduced, authorizes local governments to use tax revenue received from the Tennessee Sports Gaming Act to be used for emergency services as well as for local infrastructure projects. - Amends TCA Section 4-49-104. by *Crowe, *Yager. (HB954 by *Campbell S, *Hawk)

***Senate Bill No. 935** -- Taxes, Privilege - As introduced, extends provisions related to the allocation of revenue from the surcharge or tax on the lease or rental of passenger motor vehicles as it pertains to costs related to an arena facility for a National Basketball Association (NBA) member professional basketball team until June 30, 2059. - Amends TCA Title 67. by *Taylor, *Lamar, *Rose, *Kyle, *Akbari. (HB1129 by *Camper, *Gant, *Gillespie, *White, *Harris, *Chism)

Senate Bill No. 1224 -- Sentencing - As introduced, allows a court to sentence a defendant convicted of two or more criminal offenses to consecutive sentences if the defendant is sentenced for criminal offenses involving more than one victim and the court finds that a separate consecutive sentence for each offense is in the interest of justice. - Amends TCA Title 40. by *White, *Hensley, *Jackson, *Taylor. (*HB114 by *Russell, *Lamberth, *Sherrell, *Carringer, *Moody, *Doggett)

Senate Bill No. 1275 -- Insurance, Health, Accident - As introduced, prohibits a health insurance issuer or managed health insurance issuer from denying a licensed medical laboratory the right to participate as a participating provider in any policy, contract, or plan on the same terms and conditions as are offered to another medical laboratory under the policy, contract, or plan; imposes certain other requirements on insurers regarding medical laboratories. - Amends TCA Title 8; Title 56, Chapter 7; Title 68 and Title 71. by *Briggs, *Hensley. (*HB874 by *Lafferty)

Senate Bill No. 1319 -- Criminal Offenses - As introduced, adds to the offense of custodial interference, a parent or other family member who harbors or hides a child within or outside this state, knowing that the child has been placed in the custody of the department of children's services pursuant to a protective custody order or an emergency custody order entered by a court; states that it is not a defense that the person harboring or hiding the child has not been served with an actual copy of a protective custody order or emergency custody order. - Amends TCA

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Title 36, Chapter 6 and Title 39, Chapter 13, Part 3. by *Bailey, *Jackson. (*HB1109 by *Travis, *Littleton)

Senate Bill No. 1326 -- Regional Authorities and Special Districts - As introduced, vacates and reconstitutes board of commissioners for an airport authority in a county having a metropolitan form of government; adds the governor and speakers of the general assembly as appointing authorities for board positions currently held by the executive officer of the local government. - Amends TCA Title 4; Title 5, Chapter 6 and Title 42. by *Bailey. (*HB1176 by *Garrett, *Williams, *Todd, *Lamberth, *Howell, *Grills, *Marsh, *Cochran, *McCalmon)

Senate Bill No. 1451 -- Physicians and Surgeons - As introduced, specifies application requirements for an individual licensed as a physician outside the United States or Canada who has completed a residency program or otherwise practiced as a medical professional for at least three of the last five years; requires the board of medical examiners to grant a provisional license to an international medical graduate who qualifies; makes other related changes. - Amends TCA Title 63. by *Roberts. (*HB1312 by *Kumar)

Senate Bill No. 1475 -- Criminal Offenses - As introduced, makes revisions to the Racketeer Influenced and Corrupt Organization (RICO) Act of 1989, including expanding the definition of racketeering activity. - Amends TCA Title 39, Chapter 12, Part 2. by *Watson, *Gardenhire, *Rose, *Taylor, *White, *Lundberg, *Stevens, *McNally, *Jackson, *Lowe. (*HB806 by *Lamberth, *Towns, *Hardaway, *Moody, *Howell, *Carringer, *Sherrell, *Russell)

Senate Bill No. 1490 -- Agriculture, Dept. of - As introduced, requires commissioner to, not later than December 31, 2024, submit a report electronically identifying all state property under contract or lease for agricultural purposes, and a summary of the terms of each contract or lease, to the chair of the energy, agriculture and natural resources committee of the senate and the chair of the agriculture and natural resources committee of the house of representatives. - Amends TCA Title 4, Chapter 3, Part 2; Title 9; Title 12; Title 43; Title 49; Title 67 and Title 70. by *Rose, *Lowe. (*HB899 by *Hurt)

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

***House Bill No. 1570** -- Greenbrier -- House Local Government Committee

REPORTS FROM STANDING COMMITTEES

The committees that met on **April 3, 2023**, reported the following:

GOVERNMENT OPERATIONS COMMITTEE

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The Government Operations Committee recommended for passage: House Bills Nos. 514, 885, 766 and 981. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bills Nos. 437, 27, 1281, 1077 and 394, also House Bill No. 1311 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

CONSENT CALENDAR

***House Bill No. 1562** -- Petersburg - Subject to local approval, makes changes to the duties of the mayor; reduces the term of the mayor and vice mayor from four years to two; provides a method to fill vacancies on the board if the vacancies cause the board to lack a quorum; authorizes the board to set the salary of the board members by ordinance; revises the powers of the city; authorizes the appointment of a treasurer and town administrator; requires the town judge to be a licensed attorney. - Amends Chapter 272 of the Acts of 1901; as amended and rewritten. by *Marsh.

***Senate Joint Resolution No. 62** -- Naming and Designating - Designates February 22, 2023 as "Hypertrophic Cardiomyopathy Awareness Day" in Tennessee. by *Haile.

House Bill No. 954 -- Local Government, General - As introduced, authorizes local governments to use tax revenue received from the Tennessee Sports Gaming Act to be used for emergency services as well as for local infrastructure projects. - Amends TCA Section 4-49-104. by *Campbell S, *Hawk.

On motion, House Bill No. 954 was made to conform with **Senate Bill No. 791**; the Senate Bill was substituted for the House Bill.

***House Bill No. 297** -- Game and Fish Laws - As introduced, deletes requirement that the Tennessee Fish and Wildlife Commission file proclamations establishing hunting and fishing seasons with the county clerks for the counties affected and instead requires such proclamations be made available on the Tennessee wildlife resources agency website. - Amends TCA Section 70-4-107. by *Carr.

On motion, House Bill No. 297 was made to conform with **Senate Bill No. 236**; the Senate Bill was substituted for the House Bill.

House Bill No. 572 -- Treasurer, State - As introduced, permits the state treasurer to sell a security immediately after the treasurer takes custody of the security if the records of the holder do not reflect the identity of the person entitled to the security; makes other related revisions. - Amends TCA Section 66-29-142. by *Carringer.

On motion, House Bill No. 572 was made to conform with **Senate Bill No. 358**; the Senate Bill was substituted for the House Bill.

***House Bill No. 1563** -- Maury County - Subject to local approval, requires the civil service board to meet semi annually rather than annually; designates the county mayor as the board secretary, to replace the county human resources director; removes board authority to hold performance examinations to determine qualifications for employment; deletes competitive

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promotion examination requirements; provides for a right of appeals upon a suspension of an employee by the sheriff. - Amends Chapter 26 of the Private Acts of 2007. by *Cepicky.

House Bill No. 589 -- Children's Services, Dept. of - As introduced, adds district attorneys general to those the department must release confidential information to upon presentation of an appropriate court order. - Amends TCA Title 10 and Title 37. by *Gant, *Littleton.

On motion, House Bill No. 589 was made to conform with **Senate Bill No. 610**; the Senate Bill was substituted for the House Bill.

***Senate Joint Resolution No. 44** -- General Assembly, Statement of Intent or Position - Urges state agencies to expand cardiovascular screening programs. by *Briggs.

***House Bill No. 334** -- Medical Occupations - As introduced, removes certain limitations placed on a person trying to meet the educational requirement for licensure as a polysomnographic technologist by presenting proof of successful completion of an accredited sleep technologist educational program (A-STEP) that is accredited by the American Academy of Sleep Medicine. - Amends TCA Title 63. by *Hurt.

***House Joint Resolution No. 303** -- General Assembly, Confirmation of Appointment - Alexia Poe, University of Tennessee, Knoxville, advisory board. by *Lamberth, *Cochran, *Slater.

On motion, **Senate Joint Resolution No. 278** was substituted for House Joint Resolution No. 303.

***House Joint Resolution No. 304** -- General Assembly, Confirmation of Appointment - Tom Smith, University of Tennessee, Knoxville, advisory board. by *Lamberth, *Cochran, *Slater.

On motion, **Senate Joint Resolution No. 277** was substituted for House Joint Resolution No. 304.

***House Bill No. 1251** -- Sexual Offenses - As introduced, expands the definition of "sexual activity," as used in the offense of soliciting sexual exploitation of a minor, to include exhibition of the female breast, genitals, buttocks, anus, or pubic or rectal area of any person that can be reasonably construed as being for the purpose of the sexual arousal or gratification of the defendant or another. - Amends TCA Title 39. by *Crawford.

On motion, House Bill No. 1251 was made to conform with **Senate Bill No. 1347**; the Senate Bill was substituted for the House Bill.

House Bill No. 563 -- Marriage - As introduced, creates a class C misdemeanor for certain local public officers who charge a fee or demand compensation for solemnizing a marriage. - Amends TCA Title 36, Chapter 3. by *Todd, *Gant.

On motion, House Bill No. 563 was made to conform with **Senate Bill No. 217**; the Senate Bill was substituted for the House Bill.

***House Bill No. 1013** -- Criminal Offenses - As introduced, clarifies that a sheriff and sheriff's deputy are law enforcement officers for purposes of the criminal code; clarifies that a deputy jailer is a law enforcement officer only for the purposes of enhancement of a crime under the criminal code. - Amends TCA Title 38 and Title 39. by *Grills.

House Resolution No. 55 -- Memorials, Recognition - Women's History Month, Memphis all-female senior leadership team. by *Camper, *Clemmons, *Thompson, *Chism, *Gillespie, *Hardaway, *Harris, *Leatherwood, *Miller, *Parkinson, *Towns, *Vaughan, *White.

House Resolution No. 56 -- Memorials, Recognition - Allison Johnson Fouché . by *Camper, *Thompson.

House Resolution No. 57 -- Memorials, Recognition - Alex Smith. by *Camper, *Thompson.

House Resolution No. 58 -- Memorials, Recognition - Chandell Ryan. by *Camper, *Thompson.

House Resolution No. 59 -- Memorials, Recognition - Gina Y. Sweat. by *Camper, *Thompson.

House Resolution No. 60 -- Memorials, Recognition - Jennifer Sink. by *Camper, *Thompson.

House Resolution No. 61 -- Memorials, Recognition - Memphis Police Chief Cerelyn "CJ" Davis. by *Camper, *Thompson.

House Resolution No. 62 -- Memorials, Interns - Cameron Ferry. by *Keisling.

***House Joint Resolution No. 487** -- Memorials, Interns - Cindy Solis. by *Terry.

***House Joint Resolution No. 488** -- Memorials, Interns - Julian Sons. by *Terry.

***House Joint Resolution No. 489** -- Memorials, Sports - Hampton High School boys' basketball team, TSSAA Division I, Class A state champions. by *Holsclaw.

***House Joint Resolution No. 490** -- Memorials, Recognition - Hixson First Baptist Church, 100th anniversary. by *Martin G, *Helton-Haynes, *Hakeem, *Hazlewood, *Vital.

***House Joint Resolution No. 491** -- Memorials, Retirement - Jeff Eversole. by *Vital, *Hazlewood, *Helton-Haynes, *Martin G.

***House Joint Resolution No. 492** -- Memorials, Recognition - Nelson Bennett. by *Vital, *Hazlewood, *Helton-Haynes.

***House Joint Resolution No. 493** -- Memorials, Retirement - Senior Pastor Dr. John Jno Finn. by *Jones.

***House Joint Resolution No. 494** -- Memorials, Personal Achievement - Emily Williams, Eagle Scout. by *Littleton, *Todd.

***House Joint Resolution No. 495** -- Memorials, Recognition - Dr. Jeffrey Upperman. by *Freeman.

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***House Joint Resolution No. 496** -- Memorials, Interns - Colin Bradley Taylor. by *Kumar, *Pearson, *Chism, *Harris.

***House Joint Resolution No. 497** -- Memorials, Interns - Madeira Davis. by *Carr.

***House Joint Resolution No. 498** -- Memorials, Academic Achievement - Madison Grace Gean, Salutatorian, Hardin County High School. by *Haston.

***House Joint Resolution No. 499** -- Memorials, Academic Achievement - Kristen Matilee Stricklin, Valedictorian, Hardin County High School. by *Haston.

***House Joint Resolution No. 500** -- Memorials, Professional Achievement - Kecia Shelton, Flintville School Teacher of the Year. by *Marsh, *Doggett.

***House Joint Resolution No. 501** -- Memorials, Retirement - Charlie Hutson. by *Powers.

***House Joint Resolution No. 502** -- Memorials, Sports - Jellico Blue Devils boys' basketball team, District 2A champions. by *Powers.

***House Joint Resolution No. 503** -- Memorials, Recognition - Metropolitan Nashville Police Department Chief John Drake and commanding officers. by *Faison, *Lamberth, *Freeman, *Clemmons, *Powell, *Hakeem, *Jernigan, *Hemmer, *Richey, *Beck, *Williams, *Hawk, *Helton-Haynes, *McCalmon, *Hurt, *Lynn, *Todd.

***House Joint Resolution No. 504** -- Memorials, Heroism - Metropolitan Nashville Police Department Officers and State and federal law enforcement officials. by *Freeman, *Faison, *Lamberth.

***House Joint Resolution No. 505** -- Memorials, Recognition - Rear Admiral Brian L. Davies. by *Gillespie, *Richey.

***House Joint Resolution No. 506** -- Memorials, Recognition - Julius Rosenwald, the Rosenwald Schools. by *Vital, *Lamberth, *Camper, *White, *Hazlewood, *Garrett, *Hakeem, *Littleton, *Gant, *Martin G, *Shaw, *McCalmon, *Towns, *Whitson, *Hardaway, *Helton-Haynes, *Jones, *Freeman, *Beck, *Rudd, *Davis, *Powell, *Alexander, *Love.

OBJECTION--CONSENT CALENDAR

Objection was filed to the following on the Consent Calendar:

House Joint Resolution No. 493: by Rep. Lafferty

Under the rules, House Joint Resolution No. 493, was placed at the heel of the calendar for April 6, 2023.

Rep. Lamberth moved that all members voting aye on House Joint Resolutions Nos. 503 and 504 be added as co-prime sponsors with the Davidson County delegation listed first, which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Reps. Todd and Ragan.

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Rep. Camper moved that all members of the Shelby County delegation be added as co-prime sponsors on House Resolutions Nos. 55, 56, 57, 58, 59, 60 and 61 which motion prevailed with the following members not added pursuant to the signed Sponsor Exclusion form: Reps. Todd and Ragan.

Pursuant to **Rule No. 50**, Rep. Zachary moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate Joint Resolutions confirming appointments on the Clerk's desk be substituted for House Joint Resolutions confirming the same appointments, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	90
Noes.....	0
Present and not voting.....	4

Representatives voting aye were: Alexander, Barrett, Baum, Beck, Boyd, Bricken, Burkhart, Butler, Campbell S, Camper, Capley, Carr, Cepicky, Chism, Clemmons, Cochran, Crawford, Darby, Davis, Doggett, Eldridge, Faison, Farmer, Fritts, Gant, Garrett, Gillespie, Glynn, Grills, Hakeem, Hale, Hardaway, Hawk, Hazlewood, Helton-Haynes, Hemmer, Hicks G, Hicks T, Holsclaw, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Martin B, Martin G, McCalmon, Miller, Mitchell, Moody, Moon, Parkinson, Pearson, Powell, Powers, Ragan, Raper, Reedy, Richey, Rudd, Rudder, Russell, Shaw, Sherrell, Slater, Sparks, Stevens, Terry, Thompson, Todd, Travis, Vaughan, Vital, Warner, White, Whitson, Williams, Wright, Zachary, Mr. Speaker Sexton--90

Representatives present and not voting were: Bulso, Dixie, McKenzie, Towns--4

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on **Consent Calendar** and have this statement entered in the Journal: Rep. Jones.

REGULAR CALENDAR

House Bill No. 324 -- Public Employees - As introduced, authorizes the local government insurance committee to establish voluntary benefits, in addition to health plan benefits, for retired local government employees; requires retired local government employees to be drawing

1145

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retirement benefits through TCRS in order to participate in the health benefits. - Amends TCA Title 8, Chapter 27 and Title 8, Chapter 50, Part 8. by *Lamberth, *Cochran, *Marsh, *Harris, *Sherrell, *Kumar, *Powell, *Hardaway, *Hawk, *Alexander, *Beck, *Thompson, *Jernigan, *Miller. (*SB276 by *Johnson, *Yager, *Yarbro, *Akbari, *Campbell, *Crowe, *Jackson, *Lamar, *Massey, *Niceley, *Reeves)

On motion, House Bill No. 324 was made to conform with **Senate Bill No. 276**; the Senate Bill was substituted for the House Bill.

Rep. Marsh moved that Senate Bill No. 276 be passed on third and final consideration.

Rep. Keisling requested that State Government Committee Amendment No. 1 be placed at the heel of the amendments.

Rep. Hazlewood moved adoption of Finance, Ways, and Means Committee Amendment No. 1, as House Amendment No. 2, as follows:

Amendment No. 2

AMEND Senate Bill No. 276 by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 50, Part 8, is amended by

adding the following as a new section:

(a) In addition to leave granted under §§ 8-50-801, 8-50-802, and 8-50-806, an eligible employee must be granted absence from work with pay for a period of time equal to six (6) workweeks because of the birth of the employee's child or because of the placement of a child with the employee for adoption, and upon the employee giving thirty-days' notice to the appropriate appointing authority. If the eligible employee learns of the birth or adoption less than thirty (30) days in advance, the employee shall give the notice as soon as reasonably possible. For the purpose of calculating service anniversary dates, this absence from work is considered full-time employment.

(b) Leave used by an eligible employee pursuant to this section must not be charged to sick, annual, or other leave the employee may have accumulated.

(c) Leave granted pursuant to this section must count toward the eligible employee's use of leave required to be given by this state as an employer under the federal Family and Medical Leave Act (29 U.S.C. § 2601, et seq.) and § 4-21-408.

(d) An eligible employee must not be granted more than six (6) workweeks of paid leave under subsection (a) during a twelve-month period, but the workweeks do not need to be taken consecutively. An eligible employee may receive no more than six (6) workweeks of paid leave during a twelve-month period, even if there is more than one (1) qualifying birth or adoption under

subsection (a). Leave granted pursuant to this section must be used within twelve (12) months of the qualifying birth or adoption.

(e) As used in this section, "eligible employee" means:

(1) An employee who has been employed full-time with the state for at least twelve (12) consecutive months with an entity described in § 8-30-102(a), § 8-30-102(b)(2), § 8-30-102(b)(6)-(7), and § 8-30-102(b)(10)-(13); or

(2) An employee who has been employed full-time with the state for at least twelve (12) consecutive months with an entity described in § 8-30-102(b)(9), except for an employee of any administrative board or commission that is attached to an entity described in § 8-30-102(b)(1) or § 8-30-102(b)(3)-(5).

(f) The department of human resources shall establish policies for implementing this section with regard to executive branch agencies. With regard to nonexecutive branch agencies, the equivalent of the agency's human resources office shall establish policies for implementing this section.

(g) Paid leave under this section must be paid at one hundred percent (100%) of the employee's salary.

(h) If an eligible employee experienced a birth or adoption under subsection (a) prior to the effective date of this act and has not used all of the federal Family and Medical Leave Act leave to which the employee was entitled as a result of the birth or adoption, then the employee is entitled to leave under this section beginning on the effective date of this act for the remainder of the federal Family and Medical Leave Act leave that the employee uses on or after the effective date of this act as a result of the event in subsection (a). The duration of paid leave must not exceed the paid leave available under subsection (d).

SECTION 2. Tennessee Code Annotated, Section 8-50-801(b)(1), is amended by deleting the subdivision and substituting:

(A) An officer or employee described in § 8-30-102(b)(1) who has less than five (5) years of full-time service and was not in the active employment of the state of Tennessee on July 1, 1969, accrues annual leave at the rate of one (1) day for each month of service or major fraction thereof, and may accumulate a maximum of thirty (30) work days; and

(B) An officer or employee other than as described in § 8-30-102(b)(1) who has less than (5) years of full-time service and was not in the active employment of the state of Tennessee on July 1, 1969, accrues annual leave at the rate of twelve (12) days per year on the date the employee is hired and on each service anniversary date for the employee, and may accumulate a maximum of thirty (30) work days;

SECTION 3. Tennessee Code Annotated, Section 8-50-801(b)(2), is amended by deleting the subdivision.

SECTION 4. Tennessee Code Annotated, Section 8-50-801(b)(3), is amended by deleting the subdivision and substituting:

(A) An officer or employee described in § 8-30-102(b)(1) who has five (5) years and less than ten (10) years of full-time service accrues annual leave at the rate of one and one-half (1 1/2) days for each month of service or major fraction thereof, and may accumulate a maximum of thirty-six (36) work days; and

(B) An officer or employee other than as described in § 8-30-102(b)(1), who has five (5) years and less than ten (10) years of full-time service accrues annual leave at the rate of eighteen (18) days per year on each service anniversary date for the employee, and may accumulate a maximum of thirty-six (36) days;

SECTION 5. Tennessee Code Annotated, Section 8-50-801(b)(4), is amended by deleting the subdivision and substituting:

(A) An officer or employee described in § 8-30-102(b)(1) who has ten (10) years and less than twenty (20) years of full-time service accrues annual leave at the rate of one and three-quarters (1 3/4) days for each month of service or major fraction thereof, and may accumulate a maximum of thirty-nine (39) work days; and

(B) An officer or employee other than as described in § 8-30-102(b)(1) who has ten (10) years and less than twenty (20) years of full-time service accrues annual leave at the rate of twenty-one (21) days per year on each service anniversary date for the employee, and may accumulate a maximum of thirty-nine (39) work days; and

SECTION 6. Tennessee Code Annotated, Section 8-50-801(b)(5), is amended by deleting the subdivision and substituting:

(A) An officer or employee described in § 8-30-102(b)(1) who has twenty (20) years or more of full-time service accrues annual leave at the rate of two (2) days for each month of service or major fraction thereof, and may accumulate a maximum of forty-two (42) work days; and

(B) An officer or employee other than as described in § 8-30-102(b)(1) who has twenty (20) years or more of full-time service accrues annual leave at the rate of twenty-four (24) days per year on each service anniversary date for the employee, and may accumulate a maximum of forty-two (42) work days.

SECTION 7. Tennessee Code Annotated, Section 8-50-801, is amended by deleting subsections (c) and (d) and substituting:

(c)

(1) Annual leave requested by an employee is subject to supervisory approval.

(2) For purposes of subdivisions (b)(1)-(5), service anniversary dates must be adjusted to account for gaps in paid employment as a state employee, as applicable.

(d) For individuals holding full-time positions in the department of education that require three (3) years' experience as a certified professional employee in the Tennessee public school system, prior teaching or administrative experience in Tennessee public schools is creditable for purposes of subdivisions (b)(1)-(5), not to exceed three (3) years.

SECTION 8. Tennessee Code Annotated, Section 8-50-802(a)(1), is amended by deleting the subdivision and substituting:

(1) Sick leave may be granted:

(A) To each officer and employee described in § 8-30-102(b)(1) who is scheduled to work one thousand six hundred (1,600) hours or more in a fiscal year, whether compensated on an hourly, daily, monthly, or piecework basis, at the rate of one (1) day for each month of service or major fraction thereof, at the discretion of the head of the department or agency and with the approval of the commissioner of human resources; and

(B) To each officer and employee other than as described in § 8-30-102(b)(1) who is scheduled to work one thousand six hundred (1,600) hours or more in a fiscal year, whether compensated on an hourly, daily, monthly, or piecework basis, at the rate of twelve (12) days per year on the date the employee is hired and on each service anniversary date for the employee, at the discretion of the head of the department or agency and with the approval of the commissioner of human resources. For purposes of this subdivision (a)(1)(B), service anniversary dates must be adjusted to account for gaps in paid employment as a state employee.

SECTION 9. Tennessee Code Annotated, Section 8-50-807(a), is amended by deleting the subsection and substituting:

(1) Each officer and employee entitled to annual leave by this part must be compensated upon termination for the officer's or employee's unused accrued annual leave, based upon the number of months the employee worked beyond the officer's or employee's service anniversary date.

(2) If the termination date is prior to the service anniversary date, the officer or employee's final paycheck must be reduced to account for the number of annual days used that exceed the number of months in which the employee worked.

(3) If the separated employee is rehired by the state within one (1) year of the date of separation, the state shall reinstate any accrued, unused annual leave from the previous period of employment for which the employee was not compensated at separation.

SECTION 10. Tennessee Code Annotated, Section 8-27-104, is amended by deleting the section and substituting:

For the purposes of parts 1, 2, 3, and 7 of this chapter, "voluntary benefits" means those benefits the committees deem necessary and reasonable to afford coverage in addition to the basic health plan or plans, and any fully employer-paid benefits offered by the committees.

SECTION 11. Tennessee Code Annotated, Section 8-27-202(a)(2), is amended by deleting the language "A basic term life insurance benefit and basic accidental death and dismemberment benefit, with defined coverage amounts" and substituting "All benefits with defined coverage amounts fully".

SECTION 12. Tennessee Code Annotated, Section 8-27-202(a)(3), is amended by deleting the language "These benefits include optional life insurance coverage in excess of that offered under subdivision (a)(2). The state insurance committee may provide for voluntary benefits as part of the basic health plans or as separate plans."

SECTION 13. Tennessee Code Annotated, Section 8-27-202(c), is amended by deleting the language ", term life, and accidental death and dismemberment" and substituting "and plans fully paid by the employer".

SECTION 14. Tennessee Code Annotated, Section 8-27-203(b) is amended by deleting the language "the basic term life insurance benefit and basic accidental death and dismemberment benefit" and substituting "all fully employer-funded benefits and all partially employer funded voluntary benefits".

SECTION 15. Tennessee Code Annotated, Section 8-27-203(c), is amended by deleting the language "fully paid by the enrolled members. The additional costs for participating dependents shall be fully paid by the enrolled members" and substituting "paid in full or in part by the employee".

SECTION 16. Tennessee Code Annotated, Section 8-27-205(a), is amended by deleting the subsection and substituting:

(a) The state insurance committee may establish basic health plan benefits, and voluntary benefits, as the state insurance committee deems necessary and reasonable, for state employees, as defined in § 8-27-204(a)(1), who are retired, and may establish eligibility criteria for the benefits. The health benefit may be available to:

(1) Eligible retired state employees, eligible retired employees of the University of Tennessee, and eligible retired employees of the state university and community college system who are drawing retirement benefits through the Tennessee consolidated retirement system; and

(2) Eligible retired employees of the University of Tennessee and the state university and community college system who are participants in another retirement plan offered through their employment with the University of Tennessee or the state university and community college system, regardless of whether such retired employee is drawing a retirement benefit.

SECTION 17. Tennessee Code Annotated, Section 8-27-209(a), is amended by deleting the subsection and substituting:

(a) The state insurance committee may provide a supplemental medical insurance benefit as the state insurance committee deems necessary and reasonable for retired state employees, as defined in § 8-27-204(a)(1), who are covered by Medicare benefits, and may establish eligibility criteria for the benefit. The supplemental medical insurance benefit may be made available to:

(1) Eligible retired state employees, eligible retired employees of the University of Tennessee, and eligible retired employees of the state university and community college system who are drawing retirement benefits through the Tennessee consolidated retirement system; and

(2) Eligible retired employees of the University of Tennessee and the state university and community college system who are participants in any other retirement plan offered through their employment with the University of Tennessee or the state university and community college system, regardless of whether such retired employee is drawing a retirement benefit.

SECTION 18. Tennessee Code Annotated, Section 8-27-209(b), is amended by deleting the language "supplemental medical insurance program for retirees" and substituting "supplemental medical insurance program for retired employees".

SECTION 19. Tennessee Code Annotated, Section 8-27-209, is amended by deleting subdivisions (c)(2) and (d)(2).

SECTION 20. Tennessee Code Annotated, Section 8-27-209(e), is amended by inserting the language "benefit" after "supplemental medical insurance".

SECTION 21. Tennessee Code Annotated, Section 8-27-209, is amended by adding the following as a new subsection:

(f) As used in this section:

(1) "Retiree" means:

(A) A former state employee, or employee of the University of Tennessee, or the state university and community college system, who is drawing an allowance through the Tennessee consolidated retirement system; and

(B) A former employee of the University of Tennessee, or the state university and community college system, who participates in the optional retirement system established in § 8-25-202, regardless of whether the former employee draws a monthly retirement allowance; and

(2) "Years of service" means only those years of service rendered by the retiree as a state employee, University of Tennessee employee, or state university and community college system higher education employee, or teacher in a local education agency, and upon which the retiree's monthly retirement allowance is based.

SECTION 22. Tennessee Code Annotated, Section 8-27-305(a), is amended by deleting the subsection and substituting:

(a) The local education insurance committee may establish basic health plans and voluntary benefits, as the local education committee deems necessary and reasonable, for retired local education employees. The benefits may be made available to all eligible retired local education employees; provided, that an eligible retired local education employee who is vested in the Tennessee consolidated retirement system must be drawing retirement benefits through that system to be able to also participate in the health benefits authorized by this section.

SECTION 23. Tennessee Code Annotated, Section 8-27-305(b), is amended by deleting the language "retired teachers" and substituting "the benefits authorized in subsection (a)".

SECTION 24. Tennessee Code Annotated, Title 8, Chapter 27, Part 3, is amended by adding the following as a new section:

(a) Subject to the approval of the state insurance committee as created in § 8-27-201 and the local education insurance committee, all retired local education employees participating in the Tennessee consolidated retirement system may participate in the supplemental medical insurance program established in § 8-27-209; provided, that retired employees are covered by Medicare benefits and are also drawing a monthly retirement allowance from the Tennessee consolidated retirement system.

(b) If, pursuant to a contract for insurance coverage authorized by this section, the provider or administrator returns or refunds any amounts by which premiums or fees exceed expenses, the amounts must be used only for the supplemental medical insurance program for retired employees. The returns or refunds must not be used to reduce the amount of state funding that would otherwise be required under subsection (c).

(c)

(1) From the appropriations made in the general appropriations act each year for that purpose, the state insurance committee may pay an

amount on behalf of each participating retiree toward the cost of supplemental medical insurance provided pursuant to this section at the same level and on the same terms that are established by the state insurance committee pursuant to § 8-27-209(d).

(2) As used in this subsection (c):

(A) "Retiree" means a former teacher employed by a local education agency who is drawing a monthly retirement allowance from the Tennessee consolidated retirement system, and does not include other former local education employees; and

(B) "Years of service" means only those years of service rendered by the retiree as a state employee, University of Tennessee employee, or state university and community college system higher education employee, or teacher in a local education agency, and upon which the retiree's monthly retirement allowance is based.

(d) Except as provided in subsection (c), the state insurance committee shall not pay an amount toward the costs of supplemental medical insurance provided pursuant to this section.

(e) Former local education employees, other than those specified in subsection (c), who elect to participate in the program shall pay the total cost of such coverage. The chief governing body of a local education employer may pass a resolution to make contributions toward the expense of such coverages; provided, that the amount, terms, and conditions of contributions must be, at all times, the same as that established by the state insurance committee pursuant to § 8-27-209(d). As used in this subsection (e), for determining the employer's contribution level, "years of service" means only those years of service rendered by the retired employee to the resolving employer and upon which the retired employee's monthly retirement allowance is based. The resolution to make contributions on behalf of retired employees must remain in effect until revoked by the chief governing body.

(f) The budget of an employer electing to make contributions must include an amount sufficient to pay contributions on behalf of its retired employees covered by the supplemental insurance program. The employer shall pay the contributions to the insurer in a manner directed by the state insurance committee.

(g) The supplemental medical insurance benefit authorized by this section is not available to a person otherwise qualified under subsection (a) whose initial employment with a participating local education agency or other qualifying employer commenced on or after July 1, 2015. The rights of election, transfer, and enrollment conferred by this section is not available to a person whose initial employment with a participating local education agency, the state, or other governmental agency qualifying the person for plan membership commenced on or after July 1, 2015.

SECTION 25. Tennessee Code Annotated, Section 8-27-705(a), is amended by deleting the subsection and substituting:

(a) The local government insurance committee may establish basic health plan benefits and voluntary benefits, as the local government insurance committee deems necessary and reasonable, for retired local government employees. The health benefits may be made available to all eligible retired local government employees; provided, that an eligible retired local government employee who is vested in the Tennessee consolidated retirement system must be drawing retirement benefits through that system to receive the health benefits authorized by this section.

SECTION 26. Tennessee Code Annotated, Section 8-27-705(b), is amended by deleting the language "retirees" and substituting "the benefits authorized by subsection (a)".

SECTION 27. Tennessee Code Annotated, Section 8-27-706(a), is amended by deleting the language "8-27-201," and substituting "8-27-201 and the local government insurance committee,".

SECTION 28. This act takes effect July 1, 2023, the public welfare requiring it. Section 1 of this act applies to each eligible employee who qualifies for leave under this act on or after July 1, 2023. Sections 2-9 of this act apply to each eligible employee who qualifies for leave under this act on or after January 1, 2024. Sections 10-16 of this act apply to health insurance plan years beginning on or after January 1, 2024.

On motion, Finance, Ways, and Means Committee Amendment No. 1, as House Amendment No. 2, was adopted.

Rep. Keisling moved that State Government Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Marsh moved that **Senate Bill No. 276**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	75
Noes.....	19

Representatives voting aye were: Alexander, Barrett, Baum, Beck, Boyd, Bulso, Burkhart, Campbell S, Camper, Carr, Chism, Clemmons, Cochran, Darby, Davis, Dixie, Eldridge, Faison, Farmer, Garrett, Gillespie, Glynn, Hakeem, Hardaway, Harris, Hawk, Hazlewood, Helton-Haynes, Hemmer, Hicks G, Hicks T, Holsclaw, Hulsey, Hurt, Jernigan, Johnson G, Jones, Keisling, Kumar, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Martin B, Martin G, McCalmon, McKenzie, Miller, Mitchell, Moon, Parkinson, Pearson, Powell, Powers, Ragan, Raper, Rudder, Russell, Shaw, Sherrell, Slater, Sparks, Stevens, Terry, Thompson, Travis, Vaughan, Vital, White, Whitson, Williams, Wright, Mr. Speaker Sexton--75

Representatives voting no were: Bricken, Butler, Capley, Cepicky, Crawford, Doggett, Fritts, Gant, Grills, Hale, Howell, Lafferty, Moody, Reedy, Richey, Rudd, Todd, Warner, Zachary--19

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "no" to "aye" on **Senate Bill No. 276** and have this statement entered in the Journal: Rep. Crawford.

REGULAR CALENDAR, CONTINUED

***House Bill No. 164** -- Children's Services, Dept. of - As introduced, requires the department to designate an authorized nonprofit licensed child-placing agency to assume physical care, custody, and control of an infant voluntarily left at certain facilities or in a newborn safety device; specifies that a court may waive the six-month waiting period after the filing of an adoption petition if the child was voluntarily left at certain facilities or in a newborn safety device and certain other circumstances have been met. - Amends TCA Title 36, Chapter 1; Title 37, Chapter 5 and Title 68, Chapter 11. by *Butler, *Martin B, *Capley, *Barrett, *Faison, *Sexton, *Raper, *White, *Fritts, *Hale, *Martin G, *Slater, *Keisling, *Davis, *Bulso, *McCalmon, *Carringer, *Helton-Haynes, *Hakeem, *Grills, *Farmer, *Leatherwood, *Powers, *Eldridge, *Hawk, *Burkhart, *Travis, *Russell, *Bricken, *Reedy, *Lynn, *Cepicky, *Littleton, *Alexander, *Moody, *Sparks, *Hicks T, *Howell. (SB534 by *Haile, *Crowe, *Massey, *Reeves, *White)

Rep. Butler moved that House Bill No. 164 be passed on third and final consideration.

Rep. Farmer moved adoption of Civil Justice Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 164 by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 36-1-119(c), is amended by designating the current language as subdivision (c)(1) and adding the following subdivision (c)(2):

(2) If the child was voluntarily left at a facility or in a newborn safety device pursuant to § 68-11-255, the child has resided in the home of the petitioners for at least three (3) months, and the court has received the final court report concerning the circumstances of the child and the petitioners and is satisfied that the adoption will be in the best interest of the child, then the court may waive the six-month

waiting period after the filing of the adoption petition and may enter an order of adoption.

SECTION 2. Tennessee Code Annotated, Section 36-1-142(f), is amended by adding the following as a new subdivision:

(4) If an infant is abandoned pursuant to § 68-11-255, then the department shall file a petition seeking termination of parental rights within ten (10) calendar days after the ninety-day period established in subsection (d) is completed. The court shall expedite the case and shall ensure that the hearing on the termination petition is heard within thirty (30) days of the date the petition is filed, unless the court determines an extension is in the best interest of the child.

SECTION 3. This act takes effect July 1, 2023, the public welfare requiring it.

On motion, Civil Justice Committee Amendment No. 1 was adopted.

Rep. Butler moved that **House Bill No. 164**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 92
Noes..... 3

Representatives voting aye were: Alexander, Barrett, Baum, Beck, Boyd, Bricken, Bulso, Burkhart, Butler, Campbell S, Camper, Capley, Carr, Cepicky, Chism, Clemmons, Cochran, Crawford, Darby, Davis, Dixie, Doggett, Eldridge, Faison, Farmer, Fritts, Gant, Garrett, Gillespie, Glynn, Grills, Hakeem, Hale, Hardaway, Hawk, Hazlewood, Helton-Haynes, Hemmer, Hicks G, Hicks T, Holsclaw, Howell, Hulsey, Hurt, Jernigan, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Martin B, Martin G, McCalmon, McKenzie, Miller, Mitchell, Moody, Moon, Parkinson, Powell, Powers, Ragan, Raper, Reedy, Richey, Rudd, Rudder, Russell, Shaw, Sherrell, Slater, Sparks, Stevens, Terry, Thompson, Todd, Towns, Travis, Vaughan, Vital, Warner, White, Whitson, Williams, Wright, Zachary, Mr. Speaker Sexton--92

Representatives voting no were: Johnson G, Jones, Pearson--3

A motion to reconsider was tabled.

JOURNAL CORRECTION

Without objection, the Speaker requested that the Journal reflect that Rep. Cochran voted "aye" on **Senate Bill No. 276**.

REGULAR CALENDAR, CONTINUED

***House Bill No. 395** -- Firearms and Ammunition - As introduced, allows persons who are not otherwise prohibited by law from possessing a handgun to carry a handgun while hunting under certain circumstances, rather than only persons with a handgun carry permit. - Amends

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This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

MONDAY, APRIL 3, 2023 – TWENTIETH LEGISLATIVE DAY UNOFFICIAL VERSION

TCA Title 44, Chapter 17 and Title 70, Chapter 4, Part 1. by *Capley, *Todd. (SB494 by *Stevens, *Lowe)

Rep. Capley moved that **House Bill No. 395** be reset for the Regular Calendar on April 10, 2023, which motion prevailed.

House Bill No. 1070 -- Public Contracts - As introduced, prohibits a state agency, local agency, or law enforcement agency from purchasing, acquiring, or otherwise using a drone or other covered telecommunications equipment or service produced by a manufacturer banned under the federal National Defense Authorization Act of 2019. - Amends TCA Title 4; Title 12 and Title 39, Chapter 13. by *Carringer, *Jernigan. (*SB776 by *Stevens, *Haile, *Jackson, *Rose, *Taylor, *White)

Rep. Lamberth moved that **House Bill No. 1070** be reset for the next available Regular Calendar, which motion prevailed.

***House Bill No. 447** -- Parks, Natural Areas Preservation - As introduced, designates a segment of the Duck River in Maury County as a Class II scenic river; requires permitting of certain water resource projects in Class II scenic river areas, subject to rules promulgated by the commissioner of environment and conservation. - Amends TCA Title 11, Chapter 13; Title 64, Chapter 1, Part 6 and Title 68, Chapter 211. by *Cepicky, *Whitson, *Jernigan, *Vital, *Capley, *Haston, *Harris, *Barrett, *Johnson G, *Hemmer, *Jones, *Eldridge, *McCalmon, *Bulso, *Clemmons, *White, *Lynn, *Hawk, *Hakeem, *Powell. (SB464 by *Hensley, *Campbell, *Yarbro)

On motion, House Bill No. 447 was made to conform with **Senate Bill No. 464**; the Senate Bill was substituted for the House Bill.

Rep. Cepicky moved that Senate Bill No. 464 be passed on third and final consideration.

Rep. Williams moved the previous question, which motion prevailed.

Rep. Cepicky moved that **Senate Bill No. 464** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	79
Noes.....	11
Present and not voting.....	2

Representatives voting aye were: Alexander, Barrett, Baum, Beck, Bricken, Bulso, Burkhart, Butler, Campbell S, Camper, Capley, Carr, Cepicky, Chism, Clemmons, Cochran, Darby, Dixie, Doggett, Eldridge, Farmer, Gant, Garrett, Gillespie, Glynn, Hakeem, Hale, Hardaway, Harris, Hawk, Hazlewood, Helton-Haynes, Hemmer, Hicks G, Hicks T, Holsclaw, Hurt, Jernigan, Johnson G, Jones, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Martin B, Martin G, McCalmon, McKenzie, Miller, Mitchell, Moody, Moon, Parkinson, Pearson, Powell, Powers, Ragan, Raper, Reedy, Rudder, Russell, Shaw, Sherrell, Slater, Sparks, Stevens, Thompson, Travis, Vital, Warner, White, Whitson, Williams, Zachary, Mr. Speaker
Sexton--79

MONDAY, APRIL 3, 2023 – TWENTIETH LEGISLATIVE DAY UNOFFICIAL VERSION

Representatives voting no were: Boyd, Crawford, Fritts, Grills, Hulsey, Keisling, Richey, Rudd, Todd, Towns, Wright--11

Representatives present and not voting were: Johnson C, Vaughan--2

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "no" to "aye" on **Senate Bill No. 464** and have this statement entered in the Journal: Rep. Towns.

REGULAR CALENDAR, CONTINUED

House Bill No. 323 -- Taxes - As introduced, authorizes the commissioner of economic and community development to submit electronically the report concerning the review of credits allowed for certain taxes that is conducted every four years to the governor, the speaker of the house of representatives, the speaker of the senate, the finance, ways and means committees of both chambers, and the office of legislative budget analysis. - Amends TCA Title 67. by *Lamberth, *Cochran, *Burkhart, *Zachary, *White, *Leatherwood, *Hicks G, *Bricken, *Sherrell, *Kumar, *Reedy, *Cepicky, *Vital, *Raper, *Todd, *Martin B, *Williams, *Davis, *Marsh, *Moody, *Hicks T, *Alexander, *Eldridge, *Terry, *Lafferty, *Howell, *Hawk, *Lynn, *Powers, *Doggett, *Ragan, *Littleton, *McCalmon, *Hale, *Garrett, *Boyd. (*SB275 by *Johnson, *McNally, *Haile, *Yager)

Rep. Cochran moved that House Bill No. 323 be passed on third and final consideration.

Rep. Hazlewood requested that Finance, Ways, and Means Committee Amendment No. 1 be placed at the heel of the amendments.

Rep. Hazlewood requested that Finance, Ways, and Means Committee Amendment No. 2 be placed at the heel of the amendments.

Rep. Hazlewood requested that Finance, Ways, and Means Committee Amendment No. 3 be placed at the heel of the amendments.

Rep. McKenzie moved adoption of House Amendment No. 4 as follows:

Amendment No. 4

AMEND House Bill No. 323 by adding the following new sections immediately preceding the effective date section and renumbering the effective date section accordingly:

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This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

SECTION __. Tennessee Code Annotated, Section 67-4-409, is amended by deleting subsection (m) in its entirety.

SECTION __. Tennessee Code Annotated, Section 67-4-409(d)(2), is amended by adding the following as a new subdivision (C):

(C) Notwithstanding subdivision (d)(2)(B) or another law to the contrary, fifteen and fifteen one-hundredths percent (15.15%) of the amount to be remitted to the state treasurer and credited to the general fund must be allocated to the Tennessee housing development authority.

Rep. Lamberth moved House Amendment No. 4 to the table.

Rep. Lamberth moved to withdraw the motion to table House Amendment No. 4, which motion prevailed.

Rep. McKenzie moved that House Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Hazlewood moved adoption of Finance, Ways, and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 323 by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 67-4-709(4)(A)(ii), is amended by deleting the language "fifty thousand dollars (\$50,000)" and substituting "one hundred thousand dollars (\$100,000)".

SECTION 2. Tennessee Code Annotated, Section 67-4-709(5)(A)(i), is amended by deleting the language "three-tenths of one percent (3/10 of 1%)" and substituting "one-tenth of one percent (1/10 of 1%)".

SECTION 3. Tennessee Code Annotated, Section 67-4-712(b)(2), is amended by deleting the subdivision and substituting:

(2) A person primarily engaged in the fabrication or processing of tangible personal property for resale and consumption off the premises with respect to the sales of such property made from the manufacturing location or from a storage or warehouse facility that is situated within a ten-mile radius of the manufacturing location;

SECTION 4. Tennessee Code Annotated, Section 67-4-712(d)(1), is amended by deleting the language "ten thousand dollars (\$10,000)" and substituting "one hundred thousand dollars (\$100,000)".

SECTION 5. Tennessee Code Annotated, Section 67-4-712(d)(2), is amended by deleting the language "ten thousand dollars (\$10,000)" and substituting "one hundred thousand dollars (\$100,000)".

SECTION 6. Tennessee Code Annotated, Section 67-4-712(d)(3), is amended by deleting the language "ten thousand dollars (\$10,000)" and substituting "one hundred thousand dollars (\$100,000)".

SECTION 7. Tennessee Code Annotated, Section 67-4-717(b)(3), is amended by deleting the language "fifty thousand dollars (\$50,000)" wherever it appears and substituting "one hundred thousand dollars (\$100,000)".

SECTION 8. Tennessee Code Annotated, Section 67-4-717(c)(3), is amended by deleting the language "fifty thousand dollars (\$50,000)" wherever it appears and substituting "one hundred thousand dollars (\$100,000)".

SECTION 9. Tennessee Code Annotated, Section 67-4-723(b)(1), is amended by deleting the language "ten thousand dollars (\$10,000)" wherever it appears and substituting "one hundred thousand dollars (\$100,000)".

SECTION 10. Tennessee Code Annotated, Section 67-4-723(b)(4), is amended by deleting the language "ten thousand dollars (\$10,000)" and substituting "one hundred thousand dollars (\$100,000)".

SECTION 11. Tennessee Code Annotated, Section 67-4-724(a)(3), is amended by deleting the language "forty-three percent (43%)" and substituting "forty-two and sixty-two hundredths percent (42.62%)".

SECTION 12. Tennessee Code Annotated, Section 67-4-724(b)(3), is amended by deleting the language "forty-three percent (43%)" and substituting "forty-two and sixty-two hundredths percent (42.62%)".

SECTION 13. Tennessee Code Annotated, Section 67-4-2006(a), is amended by adding the following as a new subdivision:

() For assets purchased on or after January 1, 2023, for purposes of computing "net earnings" or "net loss" under this subsection (a), Section 168 of the Internal Revenue Code of 1986 (26 U.S.C. § 168), as amended, shall be applied as it exists and applies under the Tax Cuts and Jobs Act of 2017, Pub. L. No. 115-97.

SECTION 14. Tennessee Code Annotated, Section 67-4-2006(b)(1)(H), is amended by deleting the language "Any depreciation" and substituting instead the language "For assets purchased on or before December 31, 2022, any depreciation".

SECTION 15. Tennessee Code Annotated, Section 67-4-2006(b)(1), is amended by adding the following as a new subdivision:

() For tax years ending on or after December 31, 2023, but before December 31, 2025, any amount deducted under subdivision (b)(2)(F) relating to

the federal employer tax credit in Section 45S of the Internal Revenue Code of 1986 (26 U.S.C. § 45S) and earned as a credit against the excise tax under § 67-4-2009;

SECTION 16. Tennessee Code Annotated, Section 67-4-2006(b)(2)(I), is amended by deleting the language "Any depreciation" and substituting instead the language "For assets purchased on or before December 31, 2022, any depreciation".

SECTION 17. Tennessee Code Annotated, Section 67-4-2006(b)(2), is amended by adding the following as a new subdivision:

() An amount equal to the lesser of net earnings or fifty thousand dollars (\$50,000); provided, that this amount must not create or increase a net loss;

SECTION 18. Tennessee Code Annotated, Section 67-4-2009, is amended by adding the following as a new subdivision:

()

(A) For tax years ending on or after December 31, 2023, but before December 31, 2025, there is allowed against the sum total of the taxes imposed by the Franchise Tax Law of 1999, compiled in part 21 of this chapter, and by this part, a credit equal to the federal employer tax credit in Section 45S of the Internal Revenue Code of 1986 (26 U.S.C. § 45S), as amended, as a result of compensation paid in this state during the tax period by the taxpayer as determined consistent with § 67-4-2012.

(B) The credit allowed pursuant to this subdivision () taken on a franchise and excise tax return must not exceed fifty percent (50%) of the combined franchise and excise tax liability shown by the return before the credit is taken. A credit authorized under this subdivision () that is unused may be carried forward in a tax period until the credit is taken; provided, however, that the credit may not be carried forward for more than fifteen (15) years.

SECTION 19. Tennessee Code Annotated, Section 67-4-2012(a), is amended by adding the following as new subdivisions (3) through (6):

(3) Except as otherwise provided in this part, for tax years ending on or after December 31, 2023, but before December 31, 2024, net earnings must be apportioned to this state by multiplying the earnings by a fraction, the numerator of which is the property factor plus the payroll factor plus five (5) times the receipts factor, and the denominator of the fraction is seven (7).

(4) Except as otherwise provided in this part, for tax years ending on or after December 31, 2024, but before December 31, 2025, net earnings must be apportioned to this state by multiplying the earnings by a fraction, the numerator of which is the property factor plus the payroll factor plus eleven (11) times the receipts factor, and the denominator of the fraction is thirteen (13).

(5) Except as otherwise provided in this part, for tax years ending on or after December 31, 2025, net earnings must be apportioned to this state by multiplying the earnings by the receipts factor only.

(6) If the application of subdivision (a)(3), (a)(4), or (a)(5) to a tax year results in a lower apportionment ratio than under the application of the apportionment method in subdivision (a)(2) as it applied to tax years ending before December 31, 2023, then a taxpayer may annually elect to apply the apportionment method in subdivision (a)(2) as it applied to tax years ending before December 31, 2023; provided, however, the election must result in a higher apportionment factor for the tax year, and the taxpayer must have net earnings, rather than a net loss, for that tax year as computed under § 67-4-2006.

SECTION 20. Tennessee Code Annotated, Section 67-4-2012(l), is amended by adding the following as a new subdivision:

() This subsection (l) is repealed for tax years ending on or after December 31, 2025.

SECTION 21. Tennessee Code Annotated, Section 67-4-2012(m), is amended by adding the following as a new subdivision:

() This subsection (m) is repealed for tax years ending on or after December 31, 2025.

SECTION 22. Tennessee Code Annotated, Section 67-4-2108(a)(1), is amended by deleting the subdivision and substituting:

(1) The measure of the tax levied by this part must not be less than the actual value of the real or tangible property owned or used in this state, excluding exempt inventory and exempt required capital investments; provided, that for tax years ending on or after December 31, 2024, the measure of the tax levied in this section applies to the actual value of the taxpayer's aggregate real or tangible property in excess of five hundred thousand dollars (\$500,000).

SECTION 23. Tennessee Code Annotated, Section 67-4-2111(a), is amended by adding the following as new subdivisions (3) through (6):

(3) Except as otherwise provided in this part, for tax years ending on or after December 31, 2023, but before December 31, 2024, the net worth of a taxpayer doing business both inside and outside this state must be apportioned to this state by multiplying such values by a fraction, the numerator of which is the property factor plus the payroll factor plus five (5) times the receipts factor, and the denominator of the fraction is seven (7).

(4) Except as otherwise provided in this part, for tax years ending on or after December 31, 2024, but before December 31, 2025, the net worth of a taxpayer doing business both inside and outside this state must be apportioned to this state by multiplying such values by a fraction, the numerator of which is the

property factor plus the payroll factor plus eleven (11) times the receipts factor, and the denominator of the fraction is thirteen (13).

(5) Except as otherwise provided in this part, for tax years ending on or after December 31, 2025, the net worth of a taxpayer doing business both inside and outside this state must be apportioned to this state by multiplying such values by the receipts factor only.

(6) If the application of subdivision (a)(3), (a)(4), or (a)(5) to a tax year results in a lower apportionment ratio than under the application of the apportionment method in subdivision (a)(2) as it applied to tax years ending before December 31, 2023, then a taxpayer may annually elect to apply the apportionment method in subdivision (a)(2) as it applied to tax years ending before December 31, 2023; provided, however, the election must result in a higher apportionment factor for the tax year, and the taxpayer must have net earnings, rather than a net loss, for that tax year as computed under § 67-4-2006.

SECTION 24. Tennessee Code Annotated, Section 67-4-2111(l), is amended by adding the following as a new subdivision:

() This subsection (l) is repealed for tax years ending on or after December 31, 2025.

SECTION 25. Tennessee Code Annotated, Section 67-4-2111(m), is amended by adding the following as a new subdivision:

() This subsection (m) is repealed for tax years ending on or after December 31, 2025.

SECTION 26. Tennessee Code Annotated, Section 67-6-203, is amended by adding the following as a new subsection:

() A tax is levied at the rate of the tax levied on the sale of tangible personal property at retail by § 67-6-202 on the repairing of tangible personal property or computer software, the laundering or dry cleaning of tangible personal property, the installing of tangible personal property that remains tangible personal property after installation, and the installing of computer software, when such repair, cleaning, or installation occurs at a place of business outside this state and the serviced tangible personal property or computer software is delivered by the seller to the purchaser or the purchaser's designee within the physical limits of this state or to a carrier for delivery to a place inside the physical limits of this state for use or consumption in this state.

SECTION 27. Tennessee Code Annotated, Section 67-6-329(a)(6), is amended by deleting the subdivision.

SECTION 28. Tennessee Code Annotated, Section 67-6-344, is deleted.

SECTION 29. Tennessee Code Annotated, Section 67-6-393(j), is amended by designating the existing language as subdivision (1) and adding the following as a new subdivision (2):

(2) There is exempt from the tax imposed by this chapter the retail sale of food and food ingredients, as defined in § 67-6-102, if sold between 12:01 a.m. on August 1, 2023, and 11:59 p.m. on October 31, 2023. This subdivision (j)(2) does not exempt sales from a micro market, as defined in § 67-6-102, or vending machine or device.

SECTION 30. Tennessee Code Annotated, Title 67, Chapter 6, Part 9, is amended by adding the following new sections:

67-6-901.

(a) Notwithstanding another law to the contrary, this part applies in determining whether a transaction is sourced to this state under this chapter. This part applies regardless of the characterization of a product as tangible personal property, a digital good, a service, or other taxable product and applies only to determine a seller's obligation to pay or collect and remit a sales or use tax with respect to the seller's retail sale of a product. This part does not affect the obligation of a purchaser or lessee to remit tax on the use of the product to the taxing jurisdiction of that use.

(b) This part does not impose tax on a transaction if that tax is prohibited by the United States Constitution or the Constitution of Tennessee.

(c) Florist retail sales where orders taken by a florist are sent to a receiving florist for delivery to the purchaser's designee must be sourced in accordance with rules promulgated by the commissioner in accordance with the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

(d) Sales made through a marketplace facilitator's marketplace must be sourced in accordance with § 67-6-902.

(e) Telecommunications services and ancillary services, as set out in § 67-6-905, must be sourced in accordance with that section.

67-6-902.

(a)

(1) For purposes of this subsection (a):

(A) "Location" does not include a location that merely provided the digital transfer of the product sold; and

(B) "Receive" or "receipt":

(i) Means:

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(a) Taking possession of tangible personal property;

(b) Making first use of services; or

(c) Taking possession or making first use of digital products, whichever comes first; and

(ii) Does not include possession by a shipping company on behalf of the purchaser.

(2) The retail sale, excluding lease or rental, of a product from out of state into this state is sourced as follows:

(A) When the product is received by the purchaser at a business location of the seller, the sale is sourced to that business location;

(B) When the product is not received by the purchaser at a business location of the seller, the sale is sourced to the location where receipt by the purchaser or the purchaser's donee as designated by the purchaser occurs, including the location indicated by instructions for delivery to the purchaser or the purchaser's donee, known to the seller;

(C) When subdivisions (a)(2)(A) and (a)(2)(B) do not apply, the sale is sourced to the location indicated by an address for the purchaser that is available from the business records of the seller that are maintained in the ordinary course of the seller's business when use of that address does not constitute bad faith;

(D) When subdivisions (a)(2)(A) – (a)(2)(C) do not apply, the sale is sourced to the location indicated by an address for the purchaser obtained during the consummation of the sale, including the address of a purchaser's payment instrument, if no other address is available, when use of that address does not constitute bad faith; and

(E) When subdivisions (a)(2)(A) – (a)(2)(D) do not apply, or in the circumstance in which the seller is without sufficient information to determine which sourcing requirement in this subdivision (a)(2) applies, then the location is determined by the address from which tangible personal property was shipped, from which the digital good or the computer software delivered electronically was first available for transmission by the seller, or from which the service was provided.

(b)

(1) For purposes of this subsection (b), "transportation equipment" means:

(A) Locomotives and railcars that are utilized for the carriage of persons or property in interstate commerce;

(B) Trucks and truck-tractors with a gross vehicle weight rating (GVWR) of ten thousand one pounds (10,001 lbs.) or greater, trailers, semi-trailers, or passenger buses that are:

(i) Registered through the International Registration Plan; and

(ii) Operated under authority of a carrier authorized and certificated by the United States department of transportation or another federal authority to engage in the carriage of persons or property in interstate commerce;

(C) Aircraft that are operated by air carriers authorized and certificated by the United States department of transportation or another federal or foreign authority to engage in the carriage of persons or property in interstate or foreign commerce; and

(D) Containers designed for use on and component parts attached or secured on the items set forth in subdivisions (b)(1)(A) – (b)(1)(C).

(2) The lease or rental of tangible personal property imported into this state is sourced as follows:

(A) For a lease or rental that does not require recurring periodic payments, the payment is sourced the same as a retail sale in accordance with subsection (a);

(B)

(i) Except as provided in subdivisions (b)(2)(C) and (b)(2)(D), for a lease or rental that requires recurring periodic payments, the first periodic payment is sourced the same as a retail sale in accordance with subsection (a). Periodic payments made subsequent to the first payment are sourced to the primary property location for each period covered by the payment;

(ii) The primary property location is as indicated by an address for the property provided by the lessee that is available to the lessor from its records maintained in the ordinary course of business, when use of that address does not constitute bad faith; and

(iii) The property location must not be altered by intermittent use at different locations, such as use of business property that accompanies employees on business trips and services calls;

(C) For the lease or rental of motor vehicles, trailers, semi-trailers, or aircraft that do not qualify as transportation equipment and watercraft with a displacement of under fifty (50) tons, that requires recurring periodic payments, the first and each subsequent periodic payment is sourced to the primary property location. The primary property location is determined in accordance with subdivision (b)(2)(B); and

(D) Notwithstanding the primary property location covered by a recurring periodic payment, the lease or rental of transportation equipment is sourced the same as a retail sale in accordance with subsection (a).

(3) This subsection (b) does not affect the imposition or computation of sales or use tax on leases or rentals based on a lump sum or accelerated basis, or on the acquisition of property for lease.

67-6-903.

(a) The sale, including lease or rental, of a product made from a place of business within the physical limits of this state where delivery is made by the seller or lessor to a purchaser or lessee within the physical limits of this state, or to a carrier or United States postal service location for delivery to a place within the physical limits of this state, is sourced to the seller's or lessor's place of business in this state.

(b) The location of where the purchaser may take or use the product is not determinative of where the sale is sourced.

(c) For the sale of a product made from a place of business within the physical limits of this state that is delivered by the seller to the purchaser or the purchaser's designee outside the physical limits of this state or to a carrier for delivery to a place outside the physical limits of this state, the sale is not sourced to this state.

(d) For a lease or rental of property, excluding transportation equipment as defined in § 67-6-902(b)(1), delivered to the lessee or renter in this state that requires recurring periodic payments, the periodic payments made subsequent to the first payment that cover periods where the primary property location is no longer within the physical limits of this state are not sourced to this state. The lessor is not liable for the tax imposed under this chapter on the periodic payments that cover periods where the primary property location is no longer in this state. The primary property location is determined in accordance with § 67-6-902(b)(2)(B).

(e) For the sale of repairing of tangible personal property or computer software; laundering or dry cleaning of tangible personal property; and installing of tangible personal property that remains tangible personal property after installation; and installing of computer software, made from a place of business within the physical limits of this state where the serviced tangible personal property or computer software is delivered by the seller to the purchaser or the purchaser's designee outside the physical limits of this state or to a carrier for delivery to a place outside the physical limits of this state, the sale is not sourced to this state.

67-6-904.

(a) For purposes of this section:

(1) "Advertising and promotional direct mail" means printed material that is direct mail, for which the primary purpose is to attract public attention to a product, person, business, or organization, or to attempt to sell, popularize, or secure financial support for a product, person, business, or organization;

(2) "Direct mail" has the same meaning as defined in § 67-6-102;

(3) "Other direct mail":

(A) Means direct mail that is not advertising and promotional direct mail regardless of whether advertising and promotional direct mail is included in the same mailing; and

(B) Includes, but is not limited to:

(i) Transactional direct mail that contains personal information specific to the addressee, including, but not limited to, invoices, bills, statements of account, and payroll advices;

(ii) Any legally required mailings, including, but not limited to, privacy notices, tax reports, and stockholder reports; and

(iii) Other nonpromotional direct mail delivered to existing or former shareholders, customers, employees, or agents, including, but not limited to, newsletters and informational pieces; and

(C) Does not include the development of billing information or the provision of a data processing service that is more than incidental; and

(4) "Product" means tangible personal property, a product transferred electronically, or a service.

(b) The sale of direct mail is sourced as follows:

(1) For the sale of advertising and promotional direct mail and other direct mail made from a place of business in this state to a purchaser where delivery is made by the seller to a carrier or United States postal service location for distribution or delivery to direct mail recipients within the physical limits of this state, the sale is sourced to the seller's place of business;

(2) To the extent the seller knows based on information provided by the purchaser showing the jurisdictions to which the direct mail will be delivered to recipients in another state, the portion of the sales price that equals the percentage of direct mail delivered to recipients in another state is not sourced to this state;

(3) In lieu of providing the delivery information in accordance with subdivision (b)(2), a purchaser may provide the streamlined certificate of exemption to claim the direct mail exemption for the portion of the sales price that equals the percentage of direct mail delivered to recipients in another state; and

(4) In the absence of bad faith, where the seller sourced the sale according to the delivery information provided by the purchaser in accordance with this section, the seller is not liable for tax if it is determined the purchaser provided incorrect delivery information.

(c) This section does not impose tax on billing services or data processing services.

SECTION 31. Tennessee Code Annotated, Section 67-6-905(a), is amended by adding the following as new, appropriately designated subdivisions:

() "Ancillary services" means services that are associated with, or incidental to, the provision of telecommunications services, including, but not limited to, detailed telecommunications billing service, directory assistance service, vertical service, and voice mail service;

() "Conference bridging service":

() Means an ancillary service that links two (2) or more participants of an audio or video conference call and may include the provision of a telephone number; and

() Does not include the telecommunications services used to reach the conference bridge;

() "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement;

() "Directory assistance service" means an ancillary service of providing telephone number information and address information;

() "Prepaid calling service" means the right to access exclusively telecommunications services, which must be paid for in advance and which enables the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount;

() "Prepaid wireless calling service" means a telecommunications service that provides the right to utilize mobile wireless service, as well as other non-telecommunications services, including the download of digital products delivered electronically, content and ancillary services, which must be paid for in advance, that is sold in predetermined units or dollars, of which the number declines with use in a known amount;

() "Vertical service" means an ancillary service that is offered in connection with one (1) or more telecommunications services, and that offers advanced calling features that allow customers to identify callers and to manage multiple calls and call connections, including conference bridging services;

() "Voice mail service":

() Means an ancillary service that enables the customer to store, send, or receive recorded messages; and

() Does not include vertical services that the customer may be required to have in order to utilize the voice mail service;

SECTION 32. Tennessee Code Annotated, Section 67-6-905, is amended by adding the following as a new subsection:

(e) A sale of a prepaid calling service, or a sale of a prepaid wireless calling service, is sourced in accordance with:

(1) Section 67-6-903 when sold from a place of business within the physical limits of this state; and

(2) Section 67-6-902(a)(2) when sold from out of state into this state; provided, however, that, in the case of a sale of prepaid wireless calling service, the rule provided in § 67-6-902(a)(2)(E) includes as an option the location associated with the mobile telephone number.

SECTION 33. Tennessee Code Annotated, Section 67-4-2023(b)(3), is amended by designating the existing language as subdivision (b)(3)(A) and adding the following as a new subdivision (b)(3)(B):

(B) "Certified distribution sales" also includes sales of alcoholic beverages, as defined in § 57-3-101, when such sales are made in this state by the taxpayer to an affiliate that continues the manufacturing process, prior to the manufactured

beverage being sold for ultimate use or consumption outside this state; provided, that the affiliate has certified that such property has been sold for ultimate use or consumption outside this state. Such certification must be made in the manner prescribed by the commissioner.

SECTION 34. Tennessee Code Annotated, Section 67-4-2023(b)(1), is amended by inserting the following at the end of the subdivision immediately preceding the semicolon:

, or if a taxpayer's sales of alcoholic beverages, as defined in § 57-3-101, made in this state to an affiliate that continues the manufacturing process exceed one billion dollars (\$1,000,000,000), as determined under § 67-4-2012 without regard to this section

SECTION 35. Sections 1, 2, 4, 5, 6, 7, 8, 9, 10, 33, and 34 of this act take effect upon becoming a law, the public welfare requiring it, and apply to tax years ending on or after December 31, 2023. Sections 11 and 12 of this act take effect April 1, 2024, the public welfare requiring it, and apply to revenue received on or after that date. Section 17 of this act takes effect January 1, 2024, the public welfare requiring it, and applies to tax years ending on or after December 31, 2024. Sections 26, 27, 28, 30, 31, and 32 of this act take effect January 1, 2024, the public welfare requiring it. All other sections of this act take effect upon becoming a law, the public welfare requiring it.

On motion, Finance, Ways, and Means Committee Amendment No. 1 was adopted.

Rep. Hazlewood moved adoption of Finance, Ways, and Means Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 323 by inserting the following new section immediately preceding the effective date section and renumbering the effective date section accordingly:

SECTION ___. Tennessee Code Annotated, Section 67-6-103, is amended by adding the following new subsection:

() Notwithstanding the allocations provided for in subsection (a), there must be allocated and distributed to the counties and municipalities an amount substantially equal to the amount that would have been allocated to the counties and municipalities under subdivision (a)(3) but for the temporary exemption from sales tax applicable to the retail sale of food and food ingredients between 12:01 a.m. on August 1, 2023, and 11:59 p.m. on October 31, 2023, pursuant to § 67-6-393(j)(2). The allocation provided in this subsection () must be based on the reporting of exempt sales of food and food ingredients during the exemption period and any other data or information the commissioner deems relevant.

AND FURTHER AMEND by deleting the language "January 1, 2024" in the fourth sentence of the effective date section and substituting instead the language "July 1, 2024".

On motion, Finance, Ways, and Means Committee Amendment No. 2 was adopted.

Rep. Hazlewood moved adoption of Finance, Ways, and Means Committee Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 323 by adding the following sections immediately preceding the effective date section and renumbering the effective date section accordingly:

SECTION ___. Tennessee Code Annotated, Section 67-4-2023(a), is amended by deleting the language "qualifies for the application of this section" and substituting instead "and any taxpayers that are affiliates of such taxpayer shall each qualify for the application of this section".

SECTION ___. Tennessee Code Annotated, Section 67-4-2023(b), is amended by deleting subdivision (2) and substituting instead the following:

(2) A taxpayer meets the receipts factor threshold if the taxpayer's receipts factor, as determined under § 67-4-2012 without regard to this section, exceeds seven and one-half percent (7.5%) and more than fifty percent (50%) of the taxpayer's sales in this state are certified distribution sales.

SECTION ___. Tennessee Code Annotated, Section 67-4-2023(c)(2), is amended by deleting the language "an excise" and substituting "a gross receipts" and is further amended by inserting the following at the end of the first sentence immediately preceding the period: "for purposes of this part and part 21 of this chapter".

SECTION ___. Tennessee Code Annotated, Section 67-4-2023(c)(3), is amended by adding the language "and the tax imposed by § 67-4-2105(a)" at the end of the subdivision immediately preceding the period.

AND FURTHER AMEND by deleting the third sentence of the effective date section and substituting instead the following, with the undesignated section reference to be designated so as to apply to the first undesignated section included in this amendment:

Sections 17 and ___ of this act take effect January 1, 2024, the public welfare requiring it, and apply to tax years ending on or after December 31, 2024.

AND FURTHER AMEND by adding the following language immediately preceding the last sentence in the effective date section, with the undesignated section reference to be designated so as to apply to the second undesignated section included in this amendment:

Section ___ of this act takes effect January 1, 2025, the public welfare requiring it, and applies to tax years ending on or after December 31, 2025.

On motion, Finance, Ways, and Means Committee Amendment No. 3 was adopted.

Rep. Capley moved the previous question, which motion prevailed.

Rep. Cochran moved that **House Bill No. 323**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 89
Noes..... 6

Representatives voting aye were: Alexander, Barrett, Baum, Beck, Boyd, Bricken, Bulso, Burkhart, Butler, Campbell S, Camper, Capley, Carr, Cepicky, Chism, Cochran, Crawford, Darby, Davis, Dixie, Doggett, Eldridge, Faison, Farmer, Fritts, Gant, Garrett, Gillespie, Glynn, Grills, Hakeem, Hale, Hawk, Hazlewood, Helton-Haynes, Hemmer, Hicks G, Hicks T, Holsclaw, Howell, Hulsey, Hurt, Jernigan, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Martin B, Martin G, McCalmon, McKenzie, Miller, Mitchell, Moody, Moon, Parkinson, Pearson, Powers, Ragan, Raper, Reedy, Richey, Rudd, Rudder, Russell, Shaw, Sherrell, Slater, Sparks, Stevens, Terry, Todd, Towns, Travis, Vaughan, Vital, Warner, White, Whitson, Williams, Wright, Zachary, Mr. Speaker Sexton--89

Representatives voting no were: Clemmons, Hardaway, Johnson G, Jones, Powell, Thompson--6

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "no" to "aye" on **House Bill No. 323** and have this statement entered in the Journal: Rep. Clemmons.

REGULAR CALENDAR, CONTINUED

House Bill No. 706 -- Public Employees - As introduced, extends the authorization for a retired law enforcement officer to be reemployed without loss or suspension of retirement benefits to July 1, 2026; reduces the time that a law enforcement officer must be retired to be reemployed without loss or suspension of retirement benefits from nine months to two months. - Amends TCA Title 8, Chapter 36, Part 8. by *Doggett, *Russell. (*SB606 by *Jackson, *Crowe, *Yager)

Rep. Doggett moved that **House Bill No. 706** be reset for the Regular Calendar on April 10, 2023, which motion prevailed.

House Bill No. 584 -- Hospitals and Health Care Facilities - As introduced, authorizes a hospital or an affiliated entity of the hospital to employ an emergency physician to treat patients at a satellite emergency department, or a physician to treat patients at a primary care clinic or urgent care clinic, which are located in this state if the hospital is located in a neighboring state in a county contiguous to this state and holds a valid certificate of need for a satellite emergency department in this state, and other conditions are satisfied. - Amends TCA Title 63 and Title 68, Chapter 11. by *Gant, *Todd. (*SB560 by *Walley, *Bailey, *Jackson)

On motion, House Bill No. 584 was made to conform with **Senate Bill No. 560**; the Senate Bill was substituted for the House Bill.

Rep. Gant moved that Senate Bill No. 560 be passed on third and final consideration.

Rep. Terry moved that Health Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Terry moved that Health Committee Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Gant moved that **Senate Bill No. 560** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes.....	0

Representatives voting aye were: Alexander, Barrett, Baum, Beck, Boyd, Bricken, Bulso, Burkhart, Butler, Campbell S, Camper, Capley, Carr, Cepicky, Chism, Clemmons, Cochran, Crawford, Darby, Davis, Dixie, Doggett, Eldridge, Faison, Farmer, Fritts, Gant, Garrett, Gillespie, Glynn, Grills, Hakeem, Hale, Hardaway, Harris, Hawk, Hazlewood, Helton-Haynes, Hemmer, Hicks G, Hicks T, Holsclaw, Howell, Hulsey, Hurt, Johnson C, Johnson G, Jones, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Martin B, Martin G, McCalmon, McKenzie, Miller, Mitchell, Moody, Moon, Parkinson, Powell, Powers, Ragan, Raper, Reedy, Richey, Rudd, Rudder, Russell, Shaw, Sherrell, Slater, Sparks, Stevens, Thompson, Todd, Towns, Travis, Vaughan, Vital, Warner, White, Williams, Wright, Zachary, Mr. Speaker Sexton--
92

A motion to reconsider was tabled.

House Bill No. 606 -- Adoption - As introduced, creates the tort of wrongful adoption; creates the Class A misdemeanor of engaging or attempting to engage in placing children for adoption in violation of state law. - Amends TCA Title 29; Title 36; Title 37; Title 47 and Title 71. by *Hawk, *Helton-Haynes, *Jernigan, *Bulso, *Hakeem, *Butler, *Wright, *Powell, *Towns, *Eldridge, *Littleton, *Raper, *Cepicky, *Ragan, *Davis, *Howell, *Thompson. (*SB542 by *Walley, *Haile, *Crowe, *Reeves, *Kyle, *Rose)

Rep. Hawk moved that House Bill No. 606 be passed on third and final consideration.

Rep. Farmer moved adoption of Civil Justice Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 606 by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 47-18-104(b), is amended by adding the following new subdivisions:

() Violating § 36-1-108(a) or (b);

() Violating § 36-1-109;

() Providing services related to the placement of a child or children for adoption, including, but not limited to, counseling or facilitating, and the services are provided using false or misleading representations of fact or deceptive representations;

SECTION 2. Tennessee Code Annotated, Section 36-1-102, is amended by adding the following as a new subdivision:

() "Adoption facilitator":

(A) Means a person, corporation, agency, or other entity, located inside or outside of this state, that provides or engages in any of the following services in exchange for compensation in violation of § 36-1-108 or § 36-1-109, whether directly or indirectly:

(i) Soliciting parents who are considering placing their child for adoption, whether born or not yet born, for the purpose of acting as a link between the prospective adoptive parents, or the prospective adoptive parents' representative, attorney, or agency, for the transfer of legal or physical custody of their child, including, but not limited to, adoptive placement; or

(ii) Soliciting prospective adoptive parents for the purpose of acting as a link between parents who are considering placing their child for adoption, whether born or not yet born, and the prospective adoptive parents, or the prospective adoptive parents' representative, attorney, or agency, for the transfer of legal custody of their child, including, but not limited to, adoptive placement; and

(B) Does not include:

(i) The department;

(ii) A licensed child-placing agency;

(iii) A chartered child-placing agency;

(iv) A licensed clinical social worker;

- (v) A licensed attorney;
- (vi) A prospective adoptive parent or parents; or
- (vii) A parent or parents considering placing their child for adoption.

SECTION 3. Tennessee Code Annotated, Section 36-1-108, is amended by deleting subdivision (a)(3) and substituting:

(3) Any advertisement in this state for the placement of children for adoption in another state by an agency or individual not licensed or authorized to do such business in this state must clearly disclose on any advertisement in this state for the placement of a child or children for adoption, the name of the government authority by which they are licensed, and that they are not licensed by the state of Tennessee. The disclosure must be in a form similar to "(Person/Entity) is (a child-placing agency/an attorney/a clinical social worker) licensed by (government authority). Not licensed in Tennessee."

(4) It is unlawful for an adoption facilitator to operate in this state, advertise their services within the boundaries of this state, or provide services to any resident of this state including, but not limited to, prospective adoptive parents or parents considering placing their child, whether born or not yet born, for adoption.

SECTION 4. Tennessee Code Annotated, Section 36-1-108, is amended by deleting subdivision (c)(2) and substituting:

(2) If the court finds that any person, corporation, agency, or other entity has engaged in the illegal placement of children for adoption, that person, corporation, agency, or other entity is liable for all the costs of the legal proceedings and for all attorney fees for private persons or private agencies who brought the action, or for the cost of attorney and staff time for the department involved in the proceeding, or for other remedies pursuant to § 29-34-214.

SECTION 5. Tennessee Code Annotated, Title 29, Chapter 34, Part 2, is amended by adding the following as a new section:

29-34-214. Liability of adoption facilitator.

(a) For purposes of this part, "adoption facilitation claim" means any claim for damages, losses, indemnification, contribution, or other relief against an adoption facilitator arising out of, based on, or in any way related to the adoption or prospective adoption of a child.

(b) Adoptive parents or prospective adoptive parents who have provided compensation, whether directly or indirectly, to an adoption facilitator as defined in § 36-1-102, may bring a civil action alleging an adoption facilitation claim against such adoption facilitator who acted in violation of title 36, chapter 1, or title 71, chapter 3, part 5.

(c) A person who brings a successful claim for adoption facilitation under this section may recover:

(1) Compensatory damages, including, but not limited to, noneconomic damages, as defined in § 29-39-101(2);

(2) Punitive damages, as provided in § 29-39-104, if appropriate; and

(3) Liquidated damages of no less than twice the total amount paid to the adoption facilitator. Liquidated damages must be awarded on a per-child basis for each child who is adopted in violation of state law.

(d) A claim or judgment entered against an adoption facilitator under this section does not affect the finalization of a pending adoption and must not be used to set aside a final order of adoption.

SECTION 6. Tennessee Code Annotated, Section 36-1-108, is amended by adding the following as a new subsection:

(e)

(1) A person commits an offense who engages or attempts to engage in placing a child or children for adoption in violation of the requirements of this part or title 71, chapter 3, part 5.

(2) A violation of subsection (e) is a Class A misdemeanor.

SECTION 7. The heading in this act is for reference purposes only and does not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the heading in any compilation or publication containing this act.

SECTION 8. This act takes effect July 1, 2023, the public welfare requiring it. On motion, Civil Justice Committee Amendment No. 1 was adopted.

Rep. Hawk moved that **House Bill No. 606**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 93
Noes 0

Representatives voting aye were: Alexander, Barrett, Baum, Beck, Boyd, Bricken, Bulso, Burkhart, Butler, Campbell S, Camper, Capley, Carr, Cepicky, Chism, Clemmons, Cochran, Crawford, Darby, Davis, Dixie, Doggett, Eldridge, Faison, Farmer, Fritts, Gant, Garrett, Gillespie, Glynn, Grills, Hakeem, Hale, Hardaway, Harris, Hawk, Hazlewood, Helton-Haynes, Hemmer, Hicks G, Hicks T, Holsclaw, Howell, Hulsey, Hurt, Johnson C, Johnson G, Jones, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Martin B, Martin G, McCalmon, McKenzie, Miller, Mitchell, Moody, Moon, Parkinson, Powell, Powers, Ragan, Raper, Reedy,

Richey, Rudd, Rudder, Russell, Shaw, Sherrell, Slater, Sparks, Stevens, Terry, Thompson, Todd, Towns, Travis, Vaughan, Vital, Warner, White, Williams, Wright, Zachary, Mr. Speaker Sexton--
93

A motion to reconsider was tabled.

***House Bill No. 1321** -- School Transportation - As introduced, allows school bus drivers to use a portable electronic device for navigation of the school bus through use of the device's global positioning system if no hands are used to hold the device or to enter data into the device while the school bus is in motion; the device is mounted on the school bus's windshield, dashboard, or center console area; and the driver views only data related to the navigation of the bus. - Amends TCA Title 49 and Title 55. by *Helton-Haynes, *Towns. (SB1434 by *Roberts, *Bowling)

On motion, House Bill No. 1321 was made to conform with **Senate Bill No. 1434**; the Senate Bill was substituted for the House Bill.

Rep. Helton-Haynes moved that Senate Bill No. 1434 be passed on third and final consideration.

Rep. Howell moved that Transportation Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Helton-Haynes moved that **Senate Bill No. 1434** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 93
Noes..... 0

Representatives voting aye were: Alexander, Barrett, Baum, Beck, Boyd, Bricken, Bulso, Burkhart, Butler, Campbell S, Camper, Capley, Carr, Cepicky, Chism, Cochran, Crawford, Darby, Davis, Dixie, Doggett, Eldridge, Faison, Farmer, Fritts, Gant, Garrett, Gillespie, Glynn, Grills, Hakeem, Hale, Hardaway, Harris, Hawk, Hazlewood, Helton-Haynes, Hemmer, Hicks G, Hicks T, Holsclaw, Howell, Hulsey, Hurt, Johnson C, Johnson G, Jones, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Martin B, Martin G, McCalmon, McKenzie, Miller, Mitchell, Moody, Moon, Parkinson, Pearson, Powell, Powers, Ragan, Raper, Reedy, Richey, Rudd, Rudder, Russell, Shaw, Sherrell, Slater, Sparks, Stevens, Terry, Thompson, Todd, Towns, Travis, Vaughan, Vital, Warner, White, Williams, Wright, Zachary, Mr. Speaker Sexton--
93

A motion to reconsider was tabled.

House Bill No. 896 -- Education, State Board of - As introduced, extends, from six years to eight years, the minimum period of time from the last adoption within which the board is required to ensure that the standards review and development committees and advisory teams review the standards for English language arts, mathematics, science, and social studies; extends, from 73 months to 97 months, the maximum term of a contract made by the state textbook and

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instructional materials quality commission with a publisher. - Amends TCA Title 49, Chapter 1 and Title 49, Chapter 6. by *Hurt. (*SB421 by *Lundberg)

On motion, House Bill No. 896 was made to conform with **Senate Bill No. 421**; the Senate Bill was substituted for the House Bill.

Rep. Hurt moved that **Senate Bill No. 421** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	88
Noes.....	5
Present and not voting.....	3

Representatives voting aye were: Alexander, Barrett, Baum, Boyd, Bricken, Bulso, Burkhart, Butler, Campbell S, Capley, Carr, Cepicky, Chism, Cochran, Crawford, Darby, Davis, Doggett, Eldridge, Faison, Farmer, Fritts, Gant, Garrett, Gillespie, Glynn, Grills, Hakeem, Hale, Hawk, Hazlewood, Helton-Haynes, Hemmer, Hicks G, Hicks T, Holsclaw, Howell, Hurt, Jernigan, Johnson C, Jones, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Martin B, Martin G, McCalmon, McKenzie, Miller, Mitchell, Moody, Moon, Parkinson, Pearson, Powell, Powers, Ragan, Raper, Reedy, Richey, Rudd, Rudder, Russell, Shaw, Sherrell, Slater, Sparks, Stevens, Terry, Thompson, Todd, Towns, Travis, Vaughan, Vital, Warner, White, Whitson, Williams, Wright, Zachary, Mr. Speaker Sexton--88

Representatives voting no were: Camper, Clemmons, Dixie, Hardaway, Harris--5

Representatives present and not voting were: Beck, Hulsey, Johnson G--3

A motion to reconsider was tabled.

***House Bill No. 493** -- TennCare - As introduced, extends the nursing home annual assessment fee to June 30, 2024. - Amends TCA Title 71, Chapter 5, Part 10. by *Johnson C, *Baum, *Shaw, *Russell, *Holsclaw. (SB671 by *Reeves)

Rep. C. Johnson moved that House Bill No. 493 be passed on third and final consideration.

Rep. Kumar moved adoption of Insurance Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 493 by deleting SECTION 2 and substituting:

SECTION 2. Tennessee Code Annotated, Section 71-5-1003, is amended by deleting subsection (c) and substituting:

(c) The total aggregated amount of assessments for all nursing facilities from July 1, 2023, through June 30, 2024, is equal to six percent (6%) of the net patient service revenue. The total aggregated amount of assessment for all nursing facilities, and the annual assessment determined for each nursing facility, must be established on July 1 of each year. Except as provided in subdivision

(c)(8), the bureau may allow for one (1) mid-year adjustment to be established prior to January 1. Once established, neither amount must vary during the fiscal year. Each nursing facility has an annual assessment amount that is determined as follows:

(1) A licensed nursing home that is licensed on July 1, 2023, for fifty (50) beds or fewer shall pay an assessment rate equal to two and three-quarters percent (2.75%) of net patient service revenue, divided by all non-medicare days. The facility shall pay the per diem rate for each of its non-medicare days;

(2) A licensed nursing home that on July 1, 2023, either operates as part of a continuing care retirement community or is certified only to provide medicare skilled nursing facility services, shall pay an assessment rate equal to two and three-quarters percent (2.75%) of net patient service revenue, divided by all non-medicare days. The facility shall pay the per diem rate for each of its non-medicare days;

(3) A licensed nursing home that is licensed on July 1, 2023, and provided thirty-five thousand (35,000) or greater medicaid patient days for the twelve (12) months ending December 31 of the prior year shall pay an assessment rate equal to two and three-quarters percent (2.75%) of net patient service revenue divided by all non-medicare patient days. The facility shall pay the per diem rate for each of its non-medicare days;

(4) A new nursing home facility that is initially licensed and commences operations on or after July 1, 2023, shall pay in FY 2023-2024 a prorated assessment equal to two thousand two hundred twenty-five dollars (\$2,225) per licensed bed per year, prorated to accrue from the date the nursing facility became licensed. The change in ownership of an existing licensed facility does not meet the requirements of this subdivision (c)(4);

(5) A licensed nursing home not meeting the criteria of subdivisions (c)(1)-(4) shall pay an equal per facility annual assessment amount at such amount as is necessary to ensure that the total aggregated amount of assessment for all nursing facilities from July 1, 2023, through June 30, 2024, equals six percent (6%) of the net patient service revenue, when such total aggregated assessment amount is established on July 1 of each year;

(6) Any excess collections of per facility annual assessments above the targeted six percent (6%) of the net patient service revenue must be retained in the nursing home assessment trust fund account created under this part. If actual collections of per facility annual assessments do not equal the targeted six percent (6%) of the net patient service revenue, then any shortfall may be made up from funds in the nursing home assessment trust fund account created under this part, or from other appropriations to the TennCare program;

(7) A facility that ceases to be licensed by the health facilities commission is not required to pay assessment fees accruing after the date of its licensure termination; and

(8) The bureau may modify the amount of the annual assessment for each nursing facility established by this subsection (c) if such modification is necessary to comply with 42 CFR 433.68.

On motion, Insurance Committee Amendment No. 1 was adopted.

Rep. Mitchell moved the previous question, which motion prevailed.

Rep. C. Johnson moved that **House Bill No. 493**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes..... 0

Representatives voting aye were: Alexander, Barrett, Baum, Beck, Boyd, Bricken, Bulso, Burkhart, Butler, Campbell S, Camper, Capley, Carr, Cepicky, Clemmons, Cochran, Crawford, Darby, Davis, Dixie, Doggett, Eldridge, Faison, Farmer, Fritts, Gant, Garrett, Gillespie, Glynn, Grills, Hakeem, Hale, Hardaway, Harris, Hawk, Hazlewood, Helton-Haynes, Hemmer, Hicks G, Hicks T, Holsclaw, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Jones, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Martin B, Martin G, McCalmon, McKenzie, Miller, Mitchell, Moody, Moon, Parkinson, Pearson, Powell, Powers, Ragan, Raper, Reedy, Richey, Rudd, Rudder, Russell, Shaw, Sherrell, Slater, Sparks, Stevens, Terry, Thompson, Todd, Towns, Travis, Vaughan, Vital, Warner, White, Whitson, Williams, Wright, Zachary, Mr. Speaker Sexton--95

A motion to reconsider was tabled.

House Bill No. 126 -- County Boundaries - As introduced, requires the secretary of state to forward a copy of each public act that changes county lines to the state board of equalization. - Amends TCA Section 3-1-102; Section 3-1-103 and Title 5, Chapter 2. by *Leatherwood, *Gant, *Hardaway. (*SB125 by *Walley, *Rose, *Taylor)

On motion, House Bill No. 126 was made to conform with **Senate Bill No. 125**; the Senate Bill was substituted for the House Bill.

Rep. Leatherwood moved that Senate Bill No. 125 be passed on third and final consideration.

Rep. Crawford moved that Local Government Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Leatherwood moved that **Senate Bill No. 125** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 95
Noes..... 0

Representatives voting aye were: Alexander, Barrett, Baum, Beck, Boyd, Bricken, Bulso, Burkhart, Butler, Campbell S, Camper, Capley, Carr, Cepicky, Chism, Clemmons, Cochran, Crawford, Darby, Davis, Dixie, Doggett, Eldridge, Faison, Farmer, Fritts, Gant, Garrett, Gillespie, Glynn, Grills, Hakeem, Hale, Hardaway, Hawk, Hazlewood, Helton-Haynes, Hemmer, Hicks G, Hicks T, Holsclaw, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Jones, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Martin B, Martin G, McCalmon, McKenzie, Miller, Mitchell, Moody, Moon, Parkinson, Pearson, Powell, Powers, Ragan, Raper, Reedy, Richey, Rudd, Rudder, Russell, Shaw, Sherrell, Slater, Sparks, Stevens, Terry, Thompson, Todd, Towns, Travis, Vaughan, Vital, Warner, White, Whitson, Williams, Wright, Zachary, Mr. Speaker Sexton--95

A motion to reconsider was tabled.

***House Bill No. 498** -- Health Care - As introduced, exempts a patient receiving an initial behavioral health evaluation via telehealth from the requirement that a patient have an in-person encounter with a healthcare services provider, the healthcare services provider's practice group, or the healthcare system within 16 months prior to an interactive visit in order to establish a provider-patient relationship for purposes of telehealth; allows a physician assistant who is authorized to prescribe drugs and who provides services via telehealth to arrange for chart review by a collaborating physician via HIPAA-compliant electronic means. - Amends TCA Title 56 and Title 63. by *Martin B, *Freeman. (SB721 by *Massey, *Yager, *Yarbro)

On motion, House Bill No. 498 was made to conform with **Senate Bill No. 721**; the Senate Bill was substituted for the House Bill.

Rep. B. Martin moved that Senate Bill No. 721 be passed on third and final consideration.

Rep. Kumar moved that Insurance Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. B. Martin moved that **Senate Bill No. 721** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes.....	0

Representatives voting aye were: Alexander, Barrett, Baum, Beck, Boyd, Bricken, Bulso, Burkhart, Butler, Campbell S, Camper, Capley, Carr, Cepicky, Chism, Clemmons, Cochran, Crawford, Darby, Davis, Dixie, Doggett, Eldridge, Faison, Farmer, Fritts, Gant, Garrett, Gillespie, Glynn, Grills, Hakeem, Hale, Hardaway, Harris, Hawk, Hazlewood, Helton-Haynes, Hemmer, Hicks G, Hicks T, Holsclaw, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Jones, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Martin B, Martin G, McCalmon, McKenzie, Miller, Mitchell, Moody, Moon, Parkinson, Pearson, Powell, Powers, Raper, Reedy, Richey, Rudd, Rudder, Russell, Shaw, Sherrell, Slater, Sparks, Stevens, Terry, Thompson, Todd, Towns, Travis, Vaughan, Vital, Warner, White, Whitson, Williams, Wright, Zachary, Mr. Speaker Sexton--95

A motion to reconsider was tabled.

***House Bill No. 650** -- Consumer Protection - As introduced, prohibits a person from knowingly installing a vehicle immobilization device on a motor vehicle parked on private property in this state. - Amends TCA Title 4; Title 5; Title 6; Title 7; Title 39; Title 47; Title 48; Title 55; Title 56; Title 62; Title 66 and Title 67. by *McCalmon, *Hardaway, *Towns. (SB649 by *Johnson)

On motion, House Bill No. 650 was made to conform with **Senate Bill No. 649**; the Senate Bill was substituted for the House Bill.

Rep. McCalmon moved that Senate Bill No. 649 be passed on third and final consideration.

Rep. Vaughan moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 649 by deleting all language after the enacting clause and substituting:

SECTION 1. This act is known and may be cited as the "Booting Consumer Protection Act."

SECTION 2. Tennessee Code Annotated, Title 47, Chapter 18, is amended by adding the following as a new part:

47-18-3201.

As used in this part:

(1) "Authorized vehicle immobilization device operator" or "operator" means a person authorized by a political subdivision of this state to be engaged in the business of installing vehicle immobilization devices within the jurisdictional area of the political subdivision;

(2) "Engaged in the business of installing vehicle immobilization devices" means installing or removing vehicle immobilization devices on motor vehicles in exchange for monetary payment or other valuable consideration, whether such payment or consideration is received for the installation or the removal of the vehicle immobilization device;

(3) "Person" means an individual, sole proprietor, independent contractor, partnership, corporation, or similar business entity;

(4) "Political subdivision" means a municipality, public corporation, body politic, authority, district, metropolitan government, county, or an agency, department, or board of such entities; and

(5) "Vehicle immobilization device" means a mechanical device that is designed or adapted to be attached to a wheel, tire, or other part of

a parked motor vehicle to prohibit the motor vehicle's usual manner of movement or operation.

47-18-3202.

(a) A person engaged in the business of installing vehicle immobilization devices on motor vehicles in this state shall:

(1) Accept credit cards and debit cards as methods of payment for the removal of a vehicle immobilization device from a motor vehicle; and

(2) If the person who is requesting removal of the vehicle immobilization device elects to make the payment by credit card or debit card and the payment cannot be completed by the card without undue delay at the site where the motor vehicle to which the vehicle immobilization device is attached is located, and an optional online payment method as described in subdivision (c)(3) is either unavailable or has been refused by the individual, remove the vehicle immobilization device and issue a billing invoice for payment due:

(A) To the individual who is requesting the removal of the vehicle immobilization device, if such individual provides a valid form of identification; or

(B) By mail to the registered owner of the vehicle.

(b)

(1) A person engaged in the business of installing vehicle immobilization devices on motor vehicles shall utilize for the work of installing and removing such devices only those persons who are required to file a W-2 wage and tax statement with the federal internal revenue service for the compensation those persons receive for the work performed.

(2) A person engaged in the business of installing vehicle immobilization devices on motor vehicles shall not:

(A) Contract for or engage the services of an independent contractor to install or remove vehicle immobilization devices; or

(B) Compensate employees on a commission basis.

(c)

(1) Subsection (a) does not prohibit a person engaged in the business of installing vehicle immobilization devices on motor vehicles from accepting cash or other methods of payment if the person making such payment, in that person's sole discretion, elects to use such alternative payment method.

(2) A person engaged in the business of installing vehicle immobilization devices on motor vehicles shall not charge a fee to accept payment by credit card or debit card.

(3) A person engaged in the business of installing vehicle immobilization devices on motor vehicles may offer an alternative, online payment service as an optional payment method. If the person making payment for the removal of the vehicle immobilization device elects, in the person's sole discretion, to use the optional online payment method, then the provider of the online payment service may charge a three percent (3%) convenience fee. This subdivision (c)(3) supersedes all local ordinances, rules, or other enactments to the contrary.

(4)

(A) If a vehicle immobilization device is placed on a vehicle that is parked on private property due to the vehicle owner's failure to pay the required parking charge, then the owner or operator of the private property may require the owner of the vehicle to pay the applicable immobilization device removal fee and all unpaid parking fines and fees to have the immobilization device removed.

(B) This subdivision (c)(4) supersedes all local ordinances, rules, or other enactments to the contrary.

(d)

(1)

(A) An owner, lessee, or other person who has control of a property for which an enforceable agreement exists with a person engaged in the business of installing vehicle immobilization devices to provide parking enforcement services by installing vehicle immobilization devices on motor vehicles on such property shall post signage in a conspicuous location on the property bearing notice:

(i) That the parking policy for the property is strictly enforced;

(ii) That a violator's vehicle will be immobilized with a vehicle immobilization device with the owner of the vehicle having to pay to have the device removed;

(iii) Of the name and phone number of the authorized vehicle immobilization device operator; and

(iv) That consumers are protected from violations of this part and that violations may be reported to the attorney general and reporter.

(B) The sign required by this subdivision (d)(1) must:

(i) Be no less than twenty-four inches (24") in height and eighteen inches (18") in width and contain lettering that is no less than two inches (2") in height; and

(ii)

(a) Be located at each designated entrance to the property where parking prohibitions are in place; or

(b) If there is no designated entrance, be erected in a place that is clearly visible from each parking space.

(C) Notwithstanding subdivisions (d)(1)(A) and (B)(i), if on the effective date of this act a property has existing signage posted that contains the notice required by subdivisions (d)(1)(A)(i)-(iii), then the signage complies with subdivision (d)(1)(A) and is exempt from the requirements of subdivision (d)(1)(B)(i) if the notice required by subdivision (d)(1)(A)(iv) is permanently affixed adjacent to the existing signage. However, new or replacement signage installed on or after the effective date of this act must comply with subdivisions (d)(1)(A) and (B)(i).

(2) A person engaged in the business of installing vehicle immobilization devices shall not install a vehicle immobilization device on a motor vehicle if the motor vehicle is located on property that does not comply with the signage requirements under subdivision (d)(1).

47-18-3203.

(a) A violation of this part constitutes a violation of the Tennessee Consumer Protection Act of 1977.

(b) A violation of this part constitutes an unfair or deceptive act or practice affecting trade or commerce and is subject to the penalties and remedies as provided in the Tennessee Consumer Protection Act of 1977, in addition to any penalties and remedies established under this part.

(c) If the attorney general and reporter reasonably believes that any person has violated this part, then the attorney general and reporter may institute a proceeding under this chapter.

47-18-3204.

(a) If an authorized vehicle immobilization device operator is found to have violated § 47-18-3202 as part of a final judgment and the operator has no opportunity to appeal the judgment, then the attorney general and reporter shall send notice of the violation to each political subdivision that has authorized the operator to operate within its jurisdictional area.

(b) Upon the receipt of notice from the attorney general and reporter that an operator has committed a third violation of § 47-18-3202, a political subdivision shall permanently revoke the operator's authorization to engage in the business of installing vehicle immobilization devices within the jurisdictional area of the political subdivision.

SECTION 3. Tennessee Code Annotated, Section 47-18-104(b), is amended by adding the following as a new subdivision:

() Violating § 47-18-3202.

SECTION 4. This act takes effect July 1, 2023, the public welfare requiring it, and applies to prohibited conduct occurring on or after that date.

On motion, Commerce Committee Amendment No. 1 was adopted.

Rep. McCalmon moved that **Senate Bill No. 649**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes.....	0

Representatives voting aye were: Alexander, Barrett, Baum, Beck, Boyd, Bricken, Bulso, Burkhart, Butler, Campbell S, Camper, Capley, Carr, Cepicky, Chism, Clemmons, Cochran, Crawford, Darby, Davis, Dixie, Doggett, Eldridge, Faison, Farmer, Fritts, Gant, Garrett, Gillespie, Glynn, Hakeem, Hale, Hardaway, Harris, Hawk, Hazlewood, Helton-Haynes, Hemmer, Hicks G, Hicks T, Holsclaw, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Jones, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Martin B, Martin G, McCalmon, McKenzie, Miller, Mitchell, Moody, Moon, Parkinson, Pearson, Powell, Powers, Raper, Reedy, Richey, Rudd, Rudder, Russell, Shaw, Sherrell, Slater, Sparks, Stevens, Terry, Thompson, Todd, Towns, Travis, Vaughan, Vital, Warner, White, Whitson, Williams, Wright, Zachary, Mr. Speaker Sexton--94

A motion to reconsider was tabled.

House Bill No. 1134 -- County Officers - As introduced, clarifies the actions a county mayor must take in relation to the performance bond required before entering upon the discharge of the mayor's duties. - Amends TCA Title 5; Title 8; Title 9; Title 18; Title 54 and Title 67. by *McCalmon, *Bulso, *Whitson, *Warner. (*SB1034 by *Johnson, *Yager, *Bowling)

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On motion, House Bill No. 1134 was made to conform with **Senate Bill No. 1034**; the Senate Bill was substituted for the House Bill.

Rep. McCalmon moved that Senate Bill No. 1034 be passed on third and final consideration.

Rep. Crawford moved that Local Government Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. McCalmon moved that **Senate Bill No. 1034** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 94
Noes..... 0

Representatives voting aye were: Alexander, Barrett, Baum, Beck, Boyd, Bricken, Bulso, Burkhart, Butler, Campbell S, Camper, Capley, Carr, Cepicky, Chism, Clemmons, Cochran, Crawford, Darby, Davis, Dixie, Doggett, Eldridge, Faison, Farmer, Fritts, Gant, Garrett, Gillespie, Glynn, Grills, Hakeem, Hale, Hardaway, Harris, Hawk, Hazlewood, Helton-Haynes, Hemmer, Hicks G, Hicks T, Holsclaw, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Jones, Keisling, Lafferty, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Martin B, Martin G, McCalmon, McKenzie, Miller, Mitchell, Moody, Moon, Parkinson, Pearson, Powell, Powers, Ragan, Raper, Reedy, Richey, Rudd, Rudder, Russell, Shaw, Sherrell, Slater, Sparks, Stevens, Terry, Thompson, Todd, Towns, Travis, Vaughan, Vital, White, Whitson, Williams, Wright, Zachary, Mr. Speaker Sexton--94

A motion to reconsider was tabled.

***House Bill No. 882** -- Election Laws - As introduced, allows a candidate to demand and receive a list of all voters who changed their residential address at the polling place; requires a recount to include the verification of any address of residence changed at the polling place. - Amends TCA Title 2, Chapter 17 and Title 2, Chapter 8. by *Martin G, *Vital, *Ragan, *Littleton, *McCalmon, *Moody, *Capley, *Alexander, *Cochran. (SB854 by *Watson, *Haile, *White)

Further consideration of House Bill No. 882, previously considered on March 30, 2023, at which time it was reset for today's Regular Calendar.

On motion, House Bill No. 882 was made to conform with **Senate Bill No. 854**; the Senate Bill was substituted for the House Bill.

Rep. G. Martin moved that Senate Bill No. 854 be passed on third and final consideration.

Rep. Crawford moved that Local Government Committee Amendment No. 1 be withdrawn, which motion prevailed.

Rep. McCalmon moved the previous question, which motion prevailed.

Rep. G. Martin moved that **Senate Bill No. 854** be passed on third and final consideration, which motion prevailed by the following vote:

1188

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Ayes 73
Noes..... 21

Representatives voting aye were: Alexander, Barrett, Baum, Boyd, Bricken, Bulso, Burkhart, Butler, Campbell S, Capley, Carr, Cepicky, Cochran, Crawford, Darby, Davis, Doggett, Eldridge, Faison, Farmer, Fritts, Gant, Garrett, Grills, Hale, Hawk, Hazlewood, Helton-Haynes, Hicks G, Hicks T, Holsclaw, Howell, Hulsey, Hurt, Jernigan, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Marsh, Martin B, Martin G, McCalmon, Moody, Moon, Powers, Ragan, Raper, Reedy, Richey, Rudd, Rudder, Russell, Sherrell, Slater, Sparks, Stevens, Terry, Todd, Travis, Vaughan, Vital, Warner, White, Whitson, Williams, Wright, Zachary, Mr. Speaker Sexton--73

Representatives voting no were: Beck, Camper, Chism, Clemmons, Dixie, Glynn, Hakeem, Hardaway, Harris, Hemmer, Jones, Love, McKenzie, Miller, Mitchell, Parkinson, Pearson, Powell, Shaw, Thompson, Towns--21

A motion to reconsider was tabled.

***House Bill No. 529** -- Teachers, Principals and School Personnel - As introduced, revises various provisions regarding the automatic revocation of educator licenses. - Amends TCA Title 49, Chapter 1 and Title 49, Chapter 5. by *Slater. (SB744 by *White)

Further consideration of House Bill No. 529, previously considered on March 30, 2023, at which time it was reset for today's Regular Calendar.

Rep. Vaughan moved that **House Bill No. 529** be reset for the Regular Calendar on April 10, 2023, which motion prevailed.

***House Bill No. 461** -- Adoption - As introduced, changes from 10 years or more to six years or more the time period for which a parent or guardian must have been confined in a correctional or detention facility by a court order as a result of a criminal act as a ground for termination of parental or guardianship rights; specifies that the court order confining the defendant may be the result of one or more criminal acts; removes requirement that the child be under eight years of age at the time the sentence is entered by the court. - Amends TCA Title 36 and Title 37. by *Slater, *Helton-Haynes, *Davis, *Littleton, *Stevens. (SB537 by *Haile, *Lowe, *Reeves)

Further consideration of House Bill No. 461, previously considered on March 30, 2023, at which time it was reset for today's Regular Calendar.

Rep. Vaughan moved that **House Bill No. 461** be reset for the Regular Calendar on April 10, 2023, which motion prevailed.

***House Bill No. 459** -- Education - As introduced, clarifies that public charter schools and the state board of education are prohibited from employing individuals found by the department of children's services to have committed an act of child abuse in the same manner as other

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educational entities; clarifies that the state board is prohibited from granting, reactivating, or restoring an educator license or temporary teaching permit for such individuals; adds the state board and public charter schools to the list of educational entities to which the department is required to make certain disclosures when one of its employees is alleged to have committed an act of child abuse. - Amends TCA Title 49, Chapter 5. by *Slater. (SB743 by *White)

Further consideration of House Bill No. 459, previously considered on March 30, 2023, at which time it was reset for today's Regular Calendar.

Rep. Vaughan moved that **House Bill No. 459** be reset for the Regular Calendar on April 10, 2023, which motion prevailed.

***Senate Bill No. 93** -- Barbers and/or Cosmetologists - As introduced, creates an eyelash specialist license; authorizes the establishment of eyelash services shops in accordance with requirements for other licensed shops; authorizes schools to offer courses of instruction that consist of 50 percent of the hours needed for an eyelash specialist license to be obtained from apprenticeship; requires certain rule promulgation by the board of cosmetology and barber examiners. - Amends TCA Title 62, Chapter 3; Title 62, Chapter 4 and Title 62, Chapter 76. by *Lamar, *Akbari. (HB103 by *Parkinson)

Further consideration of Senate Bill No. 93, previously considered on March 30, 2023, at which time it the House substituted the House Bill for the Senate Bill and it was reset for today's Regular Calendar.

Rep. Parkinson moved that **Senate Bill No. 93** be reset for the Regular Calendar on April 10, 2023, which motion prevailed.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Holsclaw moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 355 out of order, which motion prevailed.

***Senate Joint Resolution No. 355** -- Memorials, Sports - Hampton High School boys' basketball team, TSSAA Division I, Class 1A state champions. by *Crowe.

Rep. Holsclaw moved that all members voting aye on Senate Joint Resolution No. 355 be added as co-prime sponsors with the following members not added pursuant to the Sponsor Exclusion form: Reps. Todd and Ragan.

On motion of Rep. Holsclaw, the resolution was concurred in.

A motion to reconsider was tabled.

RULES SUSPENDED

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Rep. Hardaway moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 512 out of order, which motion prevailed.

***House Joint Resolution No. 512** -- Memorials, Recognition - Echol Cole and Robert Walker, 1968 Sanitation Workers Strike. by *Hardaway, *Hakeem, *McKenzie.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Hardaway, the resolution was adopted.

A motion to reconsider was tabled.

JOURNAL CORRECTION

Without objection, the Speaker requested that the Journal reflect that Rep. Lynn voted "aye" on **Senate Bill No. 600**.

RULES SUSPENDED

Rep. Lamberth moved that the rules be suspended in order to allow **House Bill No. 1569** to be heard in the Local Government Committee this week, which motion prevailed.

MOTION TO SET SPECIAL ORDER

Rep. Farmer filed House Resolution No. 63 pursuant to Article 2, Section 12 of the Constitution of the State of Tennessee for the expulsion of Rep. Justin J. Pearson for disorderly conduct on the House Floor and moved that the same be immediately introduced and heard under Unfinished Business on Thursday, April 6, 2023, which motion prevailed by the following vote:

Ayes	70
Noes.....	22

Representatives voting aye were: Alexander, Barrett, Baum, Boyd, Bricken, Bulso, Burkhart, Butler, Campbell S, Capley, Carr, Cepicky, Cochran, Crawford, Darby, Davis, Doggett, Faison, Farmer, Fritts, Gant, Garrett, Gillespie, Grills, Hale, Hawk, Helton-Haynes, Hicks G, Hicks T, Holsclaw, Howell, Hulsey, Hurt, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Marsh, Martin B, Martin G, McCalmon, Moody, Moon, Powers, Ragan, Raper, Reedy, Richey, Rudd, Rudder, Russell, Sherrell, Slater, Sparks, Stevens, Terry, Todd, Travis, Vaughan, Vital, Warner, White, Williams, Wright, Zachary, Mr. Speaker Sexton--70

Representatives voting no were: Beck, Camper, Chism, Clemmons, Glynn, Hakeem, Hardaway, Harris, Hemmer, Jernigan, Johnson G, Jones, Love, McKenzie, Miller, Mitchell, Parkinson, Pearson, Powell, Shaw, Thompson, Towns--22

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

1191

This is a draft version of the House Journal and is to be considered UNOFFICIAL. It will become the official record of the House after it has been adopted by the House.

Pursuant to **Rule No. 31**, the following member desires to change their original stand from "not voting" to "aye" on **motion to set special order for House Resolution No 63** and have this statement entered in the Journal: Rep. Eldridge.

MOTION TO SET SPECIAL ORDER

Rep. Bulso filed House Resolution No. 64 pursuant to Article 2, Section 12 of the Constitution of the State of Tennessee for the expulsion of Rep. Gloria Johnson for disorderly conduct on the House Floor and moved that the same be immediately introduced and heard under Unfinished Business on Thursday, April 6, 2023, which motion prevailed by the following vote:

Ayes 72
Noes..... 23

Representatives voting aye were: Alexander, Barrett, Baum, Boyd, Bricken, Bulso, Burkhart, Butler, Campbell S, Capley, Carr, Cepicky, Cochran, Crawford, Darby, Davis, Doggett, Eldridge, Faison, Farmer, Fritts, Gant, Garrett, Gillespie, Grills, Hale, Hawk, Hazlewood, Helton-Haynes, Hicks G, Hicks T, Holsclaw, Howell, Hulsey, Hurt, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Marsh, Martin B, Martin G, McCalmon, Moody, Moon, Powers, Ragan, Raper, Reedy, Richey, Rudd, Rudder, Russell, Sherrell, Slater, Sparks, Stevens, Terry, Todd, Travis, Vaughan, Vital, Warner, White, Williams, Wright, Zachary, Mr. Speaker Sexton--72

Representatives voting no were: Beck, Camper, Chism, Clemmons, Dixie, Glynn, Hakeem, Hardaway, Harris, Hemmer, Jernigan, Johnson G, Jones, Love, McKenzie, Miller, Mitchell, Parkinson, Pearson, Powell, Shaw, Thompson, Towns--23

A motion to reconsider was tabled.

MOTION TO SET SPECIAL ORDER

Rep. Hulsey filed House Resolution No. 65 pursuant to Article 2, Section 12 of the Constitution of the State of Tennessee for the expulsion of Rep. Justin Jones for disorderly conduct on the House Floor and moved that the same be immediately introduced and heard under Unfinished Business on Thursday, April 6, 2023, which motion prevailed by the following vote:

Ayes 72
Noes..... 23

Representatives voting aye were: Alexander, Barrett, Baum, Boyd, Bricken, Bulso, Burkhart, Butler, Campbell S, Capley, Carr, Cepicky, Cochran, Crawford, Darby, Davis, Doggett, Eldridge, Faison, Farmer, Fritts, Gant, Garrett, Gillespie, Grills, Hale, Hawk, Hazlewood, Helton-Haynes, Hicks G, Hicks T, Holsclaw, Howell, Hulsey, Hurt, Johnson C, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Lynn, Marsh, Martin B, Martin G, McCalmon, Moody, Moon, Powers, Ragan, Raper, Reedy, Richey, Rudd, Rudder, Russell, Sherrell, Slater, Sparks, Stevens, Terry, Todd, Travis, Vaughan, Vital, Warner, White, Williams, Wright, Zachary, Mr. Speaker Sexton--72

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Representatives voting no were: Beck, Camper, Chism, Clemmons, Dixie, Glynn, Hakeem, Hardaway, Harris, Hemmer, Jernigan, Johnson G, Jones, Love, McKenzie, Miller, Mitchell, Parkinson, Pearson, Powell, Shaw, Thompson, Towns--23

A motion to reconsider was tabled.

ANNOUNCEMENTS

Rep. Hulsey announced the Criminal Justice Committee final calendar would be heard on April 11, 2023.

Rep. Crawford announced that the Local Government Committee would hear its final calendar on April 11, 2023.

CLERK'S NOTE TO JOURNAL APPOINTMENTS APRIL 3, 2023

Rep. Jones was removed from the Agriculture and Natural Resources Committee, the Education Administration Committee, and the Government Operations Committee.

Rep. G. Johnson was removed from the Criminal Justice Committee, the Education Instruction Committee and the Insurance Committee.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 33 Rep. Gant as prime sponsor.

House Bill No. 296 Rep. Vaughan as prime sponsor.

House Bill No. 395 Reps. Doggett, McCalmon, Barrett and Beck as prime sponsors.

House Bill No. 459 Rep. Cepicky as prime sponsor.

House Bill No. 461 Rep. Butler as prime sponsor.

House Bill No. 529 Reps. Cepicky and Moody as prime sponsors.

House Bill No. 706 Reps. Hardaway, Whitson and Barrett as prime sponsors.

House Bill No. 947 Rep. Williams as prime sponsor.

House Bill No. 1109 Rep. Littleton as prime sponsor.

House Bill No. 1174 Reps. Raper and Haston as prime sponsors.

House Bill No. 1187 Rep. Rudder as prime sponsor.

House Bill No. 1233 Rep. Faison as prime sponsor.

MESSAGE FROM THE SENATE

April 3, 2023

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No. 334; For the signature of the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

SIGNED

April 3, 2023

The Speaker announced that he had signed the following: Senate Joint Resolution No. 334.

TAMMY LETZLER, Chief Clerk

MESSAGE FROM THE SENATE

April 3, 2023

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos. 23, 58, 291, 425, 426, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 459, 460, 461, 462, 463, 464 and 465; signed by the Speaker.

RUSSELL A. HUMPHREY, Chief Clerk

REPORT OF CHIEF ENGROSSING CLERK

April 3, 2023

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolutions Nos. 23, 58, 291, 425, 426, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 459, 460, 461, 462, 463, 464 and 465; for his action.

GREG GLASS, Chief Engrossing Clerk

ROLL CALL

The roll call was taken with the following results:

Present..... 94

Representatives present were Alexander, Barrett, Baum, Beck, Boyd, Bricken, Bulso, Burkhart, Butler, Campbell S, Camper, Capley, Carr, Cepicky, Chism, Clemmons, Cochran, Crawford, Darby, Davis, Dixie, Doggett, Eldridge, Faison, Farmer, Fritts, Gant, Garrett, Gillespie, Glynn, Grills, Hakeem, Hale, Hardaway, Harris, Hawk, Hazlewood, Helton-Haynes, Hicks G, Hicks T, Howell, Hulsey, Hurt, Jernigan, Johnson C, Johnson G, Jones, Keisling, Kumar, Lafferty, Lamberth, Leatherwood, Littleton, Love, Lynn, Marsh, Martin B, Martin G, McCalmon, McKenzie, Miller, Mitchell, Moody, Moon, Parkinson, Pearson, Powell, Powers, Ragan, Raper, Reedy, Richey, Rudd, Rudder, Russell, Shaw, Sherrell, Slater, Sparks, Stevens, Terry, Thompson, Todd, Towns, Travis, Vaughan, Vital, Warner, White, Whitson, Williams, Wright, Zachary, Mr. Speaker Sexton -- 94

RECESS

On motion of Rep. Cochran, the House stood in recess until 9:00 a.m., Thursday, April 6, 2023.